

MONDAY, MARCH 26, 1990

EIGHTY-SECOND LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Chaplin Joe O'Cain, Beech Grove Cumberland Presbyterian Church, Beech Grove, Tennessee.

Representative Joe Bell led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 96

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

The Speaker announced that Representative Copeland was excused due to a previously scheduled commitment.

JOINT STATUTORY COMMITTEE REPORT  
COUNCIL ON PENSIONS AND INSURANCE  
March 26, 1990

MR. SPEAKER: Your Joint Statutory Committee, Council on Pensions and Insurance, begs leave to report that we have carefully

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considered and recommend that House Bill No. 2342 (with amendment) be referred to the standing committee.

SEN. DUNAVANT, Chairman.

**MESSAGE FROM THE SENATE**

**March 23, 1990**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 567; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

Senate Joint Resolution No. 0567 -- Memorials, Personal Occasion -- Congratulates Mrs. Lela Hardin on celebration of 80th birthday.

**MESSAGE FROM THE SENATE**

**March 23, 1990**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1665, 1845, 1856, 1902, 2067 and 2663; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

\*Senate Bill No. 1665 -- Energy -- Requires municipalities to adopt all or none of provisions regulating energy production facilities. Amends TCA, Title 7, Ch. 54, Pt. 1.

\*Senate Bill No. 1845 -- Insurance, Health, Accident -- Prohibits certain benefit limitations and rating practices on policies covering mental illness. Amends TCA 56-7-1003.

\*Senate Bill No. 1856 -- Recreation -- Enacts "Tennessee Recreational Authority Act of 1990". Amends TCA 4-29-211; Title 11.

\*Senate Bill No. 1902 -- Deeds -- Imposes certain requirements pertaining to recorded transfers of real property. Amends TCA, Titles 8, 66.

\*Senate Bill No. 2067 -- Animals -- Enacts "Tennessee Apiary Act of 1990". Amends TCA, Title 44, Ch. 15, Pt. 1.

Senate Bill No. 2663 -- Monterey -- Revises charter relative to aldermanic elections. Amends Chapter 492, Acts of 1901, as amended.

**SIGNED**

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The Speaker announced that he had signed the following: House

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Bill(s) No(s). 598, 628, 1744, 1766, 2006, 2434, 2551, 2557, 2594, 2596, 2597, 2617, 2618, 2619 and 2630; House Joint Resolution(s) No(s). 523, 560, 691, 694, 697, 700, 701, 702, 703, 704, 705, 706, 707, 709, 710, 711, 712, 713 and 714; also, House Resolution(s) No(s). 130.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

#### BILL RETURN REQUESTED

Pursuant to Rule No. 54, Rep. Pinion moved that the Clerk request the return of Senate Bill No. 2437 from the Senate, which motion prevailed.

#### REGULAR CALENDAR

House Bill No. 1897 -- Taxes, Sales -- Exempts certain servicemen from sales tax under certain situations. Amends TCA 67-6-303.

On motion, House Bill No. 1897 was made to conform with Senate Bill No. 1873.

On motion, Senate Bill No. 1873, on same subject, was substituted for House Bill No. 1897.

Rep. Byrd moved that Senate Bill No. 1873 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	86
Noes. . . . .	5

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 86.

Representatives voting no were: Davis (Gibson), Good, Gunnels, Hobbs, Jackson -- 5.

A motion to reconsider was tabled.

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REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 1873 and have this statement entered in the Journal.

Rep. Tom Wheeler

REGULAR CALENDAR, CONTINUED

Senate Bill No. 2528 -- Litter Control -- Creates presumption that litter bearing person's name was put on property by that person. Amends TCA 39-14-502.

Further consideration of Senate Bill No. 2528, previously considered on March 21, 1990, at which time the House substituted Senate Bill No. 2528 for House Bill No. 2440, adopted Amendment No. 1 and reset the bill to the Calendar for March 26, 1990.

Thereupon, Rep. Robinson (Davidson) moved that Senate Bill No. 2528, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	65
Noes. . . . .	21
Present and not voting. . . . .	2

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Clark, Coffey, Cole, Collier, Cross, Davidson, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Garrett, Givens, Good, Halteman, Hassell, Haun, Henry (Roane), Herron, Hillis, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Love, McDaniel, Moore (Lawrence), Napier, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Whitson, Williams, Wood, Yelton, Mr. Speaker Murray -- 65.

Representatives voting no were: Chiles, Crain, Davis (Gibson), Gunnels, Harrill, Head, Henry (Putnam), Hobbs, Holcomb, Holt, Jackson, Kent, Moody, Moore (Shelby), Nuber, Severance, Stallings, Stamps, Turner, L. (Shelby), Winningham, Wolfe -- 21.

Representatives present and not voting were: Dixon, Sipes -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from yes to no on Senate Bill No.

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2528 and have this statement entered in the Journal.

Rep. Zane Whitson

#### REGULAR CALENDAR, CONTINUED

House Bill No. 1818 -- Deeds -- Imposes certain requirements pertaining to recorded transfers of real property. Amends TCA, Titles 8, 66.

Further consideration of House Bill No. 1818, previously considered on March 21, 1990, at which time it was reset to the calendar for March 26, 1990.

On motion, House Bill No. 1818 was made to conform with Senate Bill No. 1902.

On motion, Senate Bill No. 1902, on same subject, was substituted for House Bill No. 1818.

Rep. King moved that Senate Bill No. 1902 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

#### Amendment No. 1

Amend Senate Bill No. 1902 by deleting Section 1 thereof in its entirety and by substituting therefor the following:

Section 1. Tennessee Code Annotated, Title 66, Chapter 24, is amended by adding the following language:

(a) A deed or other instrument transferring ownership of real property, but not including a deed of trust or mortgage, shall indicate the parcel identification number assigned by the county assessor of property or a sworn affidavit that such information was requested from the assessor and was not furnished promptly. The register shall accept no deed or other such instrument for recordation unless such information or affidavit is contained on the deed or other such instrument.

(b) Nothing contained within the provisions of this act shall be construed to affect the validity of the underlying transfer or conveyance. If a deed or other instrument is accepted for recordation which does not contain the required parcel identification number or affidavit as aforesaid, then the deed or instrument shall be recorded and the absence of such number or statement shall in no way affect the preference, priority or legal validity of such deed.

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or other evidence of transfer or the legal validity of the recording thereof.

On motion Amendment No. 1 was adopted.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1902 by deleting from Section 1(a) the words and punctuation "ward, block, and parcel number" and by substituting instead the words "parcel identification number".

AND FURTHER AMEND by deleting from Section 1(a) the word "registrar" and by substituting instead the words "registrar of deeds".

AND FURTHER AMEND by adding the following language to the end of Section 1(a), as a new subsection to be designated as "(c)":

(c) Nothing contained within the provisions of this act shall be construed to affect the validity of the underlying transfer or conveyance. If, through error of the registrar of deeds, a deed or other evidence is accepted for recordation and does not contain the required parcel identification number or derivation clause, then the deed or instrument shall be recorded and the absence of such number or clause shall in no way affect the preference, priority or legal validity of such deed or other evidence of transfer.

On motion, Amendment No. 2 was adopted.

Rep. Moody moved to amend as follows:

**Amendment No. 3**

Senate Bill No. 1902 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ The provisions of this act shall not apply in any county having a population of not less than 49,275 nor more than 49,375 according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. King moved that Senate Bill No. 1902, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . . 87  
Noes. . . . . 6

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Good, Halteman, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Williams, Winningham, Wix, Wolfe, Wood, Yelton -- 87.

Representatives voting no were: Givens, Gunnels, Harrill, Henry (Putnam), Moody, Whitson -- 6.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to yes on Senate Bill No. 1873 and have this statement entered in the Journal.

Rep. Randy Stamps

#### REGULAR CALENDAR, CONTINUED

House Bill No. 1870 -- Game and Fish Laws -- Establishes and revises penalties of certain laws enforceable by agency; lengthens statute of limitations. Amends TCA 40-2-102, 69-10-217; Title 70, Chs. 2, 4, 5; Title 70, Ch. 6, Pt. 1; Title 70, Ch. 8.

Rep. Buck moved that House Bill No. 1870 be passed on third and final consideration.

Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

#### Amendment No. 1

Amend House Bill No. 1870 by deleting from Section 4 the figures "70-4-415" and by adding "(f)" after "70-4-116" where it appears in Section 12.

On motion, Amendment No. 1 was adopted.

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Rep. Hillis moved adoption of Conservation and Environment Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1870 by amending Section 3 as follows:

(a) Paragraph (2) is amended by deleting "or \$69-10-224" wherever they appear.

(b) Paragraph (1) is deleted in its entirety and the remaining paragraphs are renumbered accordingly.

AND FURTHER AMEND by deleting Section 4 in its entirety and by substituting in lieu thereof the following:

Notwithstanding the provisions of Section 113 of Chapter 591 of the Public Acts of 1989 to the contrary, violation of §§70-4-201 and 70-8-108(b) shall be designated as Class A misdemeanors and violations of §§70-4-107(f)(2), 70-4-110, 70-4-111, 70-4-116(f), 70-4-117, 70-4-118, 70-8-108(a) and 70-4-119 shall be designated as Class B misdemeanors.

AND FURTHER AMEND by deleting "70-2-213 Permits for scientific purposes--Reports required--Penalty for violation. C" and "70-2-214 Training of hunting dogs--License requirements--Regulation of field trials--Penalty for violation C" where they appear in Section 9.

AND FURTHER AMEND Section 10 by deleting "B" where it appears under "Class" and substituting in lieu thereof "C".

AND FURTHER AMEND by deleting Sections 1, 5, 6, 7, 8, 11, 12, 13, and 14 in their entireties and by renumbering the remaining subsections accordingly.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Buck moved that House Bill No. 1870, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber,



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Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

**\*House Bill No. 2365** -- Criminal Offenses -- Recodifies criminal offenses for failing financial institutions; exempts bodily injury consented to or reasonably foreseeable in athletic competition. Amends TCA, Title 39, Ch. 11, Pt. 3; Title 39, Ch. 13, Pt. 1; Title 39, Ch. 14, Pt. 1, 45-2-1702.

Rep. Buck moved that House Bill No. 2365 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 2365 by deleting subsection 39-14-141(c)(2) of Section 2 and by substituting instead the following:

(2) The financial institution has been determined to be operating in a manner deemed by the applicable state or federal regulatory agency to necessitate placing the financial institution under the supervision of that agency by administrative action, conservatorship, receivership or otherwise to the extent that the agency permits a deposit, premium payment or investment to be made.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Buck moved that House Bill No. 2365, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell,

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King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winingham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

#### MOTION TO RECONSIDER

Rep. Robinson (Davidson) moved to lift from the table the motion to reconsider Senate Bill No. 2528, which motion prevailed.

Senate Bill No. 2528 -- Litter Control -- Creates presumption that litter bearing person's name was put on property by that person. Amends TCA 39-14-502.

Rep. Robinson (Davidson) moved to reconsider our action in passing Senate Bill No. 2528, which motion prevailed.

Rep. Odom moved to amend as follows:

#### Amendment No. 2

Amend Senate Bill No. 2528 by adding a new section thereto as follows:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 39-14-502, is further amended by deleting the words and letter "Class C misdemeanor" in subsection (b) and substituting instead the words and letter "Class B misdemeanor".

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Robinson (Davidson) moved that Senate Bill No. 2528, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	80
Noes. . . . .	12
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bittle, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Cole, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Hassell, Haun, Henry (Roane), Herron, Hillis, Hobbs, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kernell, Kisber, Love, McAfee, McDaniel, Moore (Lawrence),

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Moore (Shelby), Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 80.

Representatives voting no were: Bell, Bivens, Crain, Harrill, Head, Henry (Putnam), Holcomb, Kent, Moody, Purcell, Whitson, Winningham -- 12.

Representatives present and not voting were: Dixon -- 1.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 2528 and have this statement entered in the Journal.

Rep. Douglas Gunnels

**REGULAR CALENDAR, CONTINUED**

House Bill No. 1826 -- Deeds -- Requires certain surveyor information on legal description of deed. Amends TCA, Title 66, Ch. 24, Pt. 1.

On motion, House Bill No. 1826 was made to conform with Senate Bill No. 1612.

On motion, Senate Bill No. 1612, on same subject, was substituted for House Bill No. 1826.

Rep. Holt moved that Senate Bill No. 1612 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Haltzman, Harrill, Hassell, Haun, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson

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(Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

Representatives present and not voting were: Head -- 1.

A motion to reconsider was tabled.

\*House Bill No. 2364 -- Traffic Safety -- Removes alternative for slow moving emblems to be displayed on cotton wagons; continues to require a light. Amends TCA 55-9-401.

Rep. Holt moved that House Bill No. 2364 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	89
Noes. . . . .	3

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Chiles, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Napier, Niceley, Nuber, Odom, Peroulas, Pinion, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 89.

Representatives voting no were: Burchfield, Head, Severance -- 3.

A motion to reconsider was tabled.

House Bill No. 2358 -- State Employees -- Authorizes enrollment opportunities for state employees in state higher education institutions. Amends TCA, Title 8, Ch. 50, Pt. 1.

Rep. Ridgeway moved that House Bill No. 2358 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

#### Amendment No. 1

Amend House Bill No. 2538 by adding the following new subsections at the end of the amendatory section of Section 1:

( ) The board of trustees of the University of Tennessee and the State Board of Regents are hereby directed, authorized and empowered to promulgate and adopt such rules and regulations as are necessary to implement the provisions of this section. Such rules and regulations are subject to approval by the Department of Education.

( ) The Higher Education Commission and the Commissioner of Finance and Administration are directed to adjust budget recommendations to exclude the effect of the enrollments authorized by this act from appropriation recommendations to the general assembly.

On motion, Amendment No. 1 was adopted.

Rep. Naifeh moved the previous question, which motion prevailed.

Thereupon, Rep. Ridgeway moved that House Bill No. 2358, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	3

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Garrett, Givens, Good, Gunnels, Halteman, Harrell, Hassell, Haun, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

Representatives voting no were: Head, Niceley, Nuber -- 3.

A motion to reconsider was tabled.

House Bill No. 2092 -- Personal Property -- Allows certain persons to file certain claims for drug act confiscated property under certain conditions. Amends TCA, Title 12, Ch. 2, Pt. 2, 53-11-201, 57-9-202, 67-4-1021, 70-6-204.

Rep. Buck moved that House Bill No. 2092 be passed on third and final consideration.

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Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Bill No. 2092 by deleting subsection (f)(2) from the amendatory language of Section 1 and by substituting instead the following:

(2) Whenever in any proceeding under this section, a claim is filed for any property seized, as herein above provided, by a person who is the holder of a security interest or other claim arising out of a contract or agreement, the commissioner shall not allow the claim unless and until the claimant proves that he has an interest in such property which he acquired in good faith. An interest which is acquired in the ordinary course of business shall be presumed to be in good faith unless the commissioner receives evidence that the holder of the security interest had knowledge, at the time the interest attached, of the intended illegal use of the vehicle or was a co-conspirator in furtherance of the illegal activity. A holder of a security interest which is other than a natural person shall be considered a co-conspirator for purposes of this section, if evidence shows that an officer, employee, or agent of the holder acting within the scope of his employment is a co-conspirator, and the holder either (a) has actual knowledge of the illegal activities of the officer, employee or agent from an individual other than the officer, employee or agent and fails to take appropriate action, or (b) the holder has failed to reasonably supervise or monitor the activities of his officer, employee or agent.

(3) In the event the interest of the owner is forfeited as provided in subsection (1) above and the interest of the holder of a security interest is not forfeited as provided in subsection (2) above, the commissioner may, at the request of the holder of such interest, return the property to the holder for disposition in accordance with the applicable security agreement or other contract. If the commissioner does not return the property to the holder, the forfeiture shall be subject to the holder's interest.

An owner whose interest is forfeited shall be ineligible to purchase the property from or to bid at any sale of the property by the commissioner or any seizing agency. The owner whose interest is forfeited shall also be ineligible to redeem the property from or to bid at any sale of the property by any holder of a security interest acting pursuant to the agreement contract or Tennessee Code Annotated, Title 47, Chapter 9.

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AND FURTHER AMEND by deleting subsection (e)(2) from the amendatory language of Section 2 and by substituting instead the following:

(2) Whenever in any proceeding under this section, a claim is filed for any property seized, as herein above provided, by a person who is the holder of a security interest or other claim arising out of a contract or agreement, the commissioner shall not allow the claim unless and until the claimant proves that he has an interest in such property which he acquired in good faith. An interest which is acquired in the ordinary course of business shall be presumed to be in good faith unless the commissioner receives evidence that the holder of the security interest had knowledge, at the time the interest attached, of the intended illegal use of the vehicle or was a co-conspirator in furtherance of the illegal activity. A holder of a security interest which is other than a natural person shall be considered a co-conspirator for purposes of this section, if evidence shows that an officer, employee, or agent of the holder acting within the scope of his employment is a co-conspirator, and the holder either (a) has actual knowledge of the illegal activities of the officer, employee or agent from an individual other than the officer, employee or agent and fails to take appropriate action, or (b) the holder has failed to reasonably supervise or monitor the activities of his officer, employee or agent.

(3) In the event the interest of the owner is forfeited as provided in subsection (1) above and the interest of the holder of a security interest is not forfeited as provided in subsection (2) above, the commissioner may, at the request of the holder of such interest, return the property to the holder for disposition in accordance with the applicable security agreement or other contract. If the commissioner does not return the property to the holder, the forfeiture shall be subject to the holder's interest.

An owner whose interest is forfeited shall be ineligible to purchase the property from or to bid at any sale of the property by the commissioner or any seizing agency. The owner whose interest is forfeited shall also be ineligible to redeem the property from or to bid at any sale of the property by any holder of a security interest acting pursuant to the agreement contract or Tennessee Code Annotated, Title 47, Chapter 9.

AND FURTHER AMEND by deleting subsection (m)(2) from the amendatory language of Section 3 and by substituting instead the following:

(2) Whenever in any proceeding under this section, a

claim is filed for any property seized, as herein above provided, by a person who is the holder of a security interest or other claim arising out of a contract or agreement, the commissioner shall not allow the claim unless and until the claimant proves that he has an interest in such property which he acquired in good faith. An interest which is acquired in the ordinary course of business shall be presumed to be in good faith unless the commissioner receives evidence that the holder of the security interest had knowledge, at the time the interest attached, of the intended illegal use of the vehicle or was a co-conspirator in furtherance of the illegal activity. A holder of a security interest which is other than a natural person shall be considered a co-conspirator for purposes of this section, if evidence shows that an officer, employee, or agent of the holder acting within the scope of his employment is a co-conspirator, and the holder either (a) has actual knowledge of the illegal activities of the officer, employee or agent from an individual other than the officer, employee or agent and fails to take appropriate action; or (b) the holder has failed to reasonably supervise or monitor the activities of his officer, employee or agent.

(3) In the event the interest of the owner is forfeited as provided in subsection (1) above and the interest of the holder of a security interest is not forfeited as provided in subsection (2) above, the commissioner may, at the request of the holder of such interest, return the property to the holder for disposition in accordance with the applicable security agreement or other contract. If the commissioner does not return the property to the holder, the forfeiture shall be subject to the holder's interest.

An owner whose interest is forfeited shall be ineligible to purchase the property from or to bid at any sale of the property by the commissioner or any seizing agency. The owner whose interest is forfeited shall also be ineligible to redeem the property from or to bid at any sale of the property by any holder of a security interest acting pursuant to the agreement contract or Tennessee Code Annotated, Title 47, Chapter 9.

AND FURTHER AMEND by deleting subsection (c)(2) from the amendatory language of Section 4 and by substituting instead the following:

(2) Whenever in any proceeding under this section, a claim is filed for any property seized, as herein above provided, by a person who is the holder of a security interest or other claim arising out of a contract or agreement, the executive director shall not allow the claim unless and until the claimant proves that he has an



interest in such property which he acquired in good faith. An interest which is acquired in the ordinary course of business shall be presumed to be in good faith unless the commissioner receives evidence that the holder of the security interest had knowledge, at the time the interest attached, of the intended illegal use of the vehicle or was a co-conspirator in furtherance of the illegal activity. A holder of a security interest which is other than a natural person shall be considered a co-conspirator for purposes of this section, if evidence shows that an officer, employee, or agent of the holder acting within the scope of his employment is a co-conspirator, and the holder either (a) has actual knowledge of the illegal activities of the officer, employee or agent from an individual other than the officer, employee or agent and fails to take appropriate action, or (b) the holder has failed to reasonably supervise or monitor the activities of his officer, employee or agent.

(3) In the event the interest of the owner is forfeited as provided in subsection (1) above and the interest of the holder of a security interest is not forfeited as provided in subsection (2) above, the executive director may, at the request of the holder of such interest, return the property to the holder for disposition in accordance with the applicable security agreement or other contract. If the executive director does not return the property to the holder, the forfeiture shall be subject to the holder's interest.

An owner whose interest is forfeited shall be ineligible to purchase the property from or to bid at any sale of the property by the commissioner or any seizing agency. The owner whose interest is forfeited shall also be ineligible to redeem the property from or to bid at any sale of the property by any holder of a security interest acting pursuant to the agreement contract or Tennessee Code Annotated, Title 47, Chapter 9.

AND FURTHER AMEND by adding a new Section 5 and by renumbering existing sections accordingly:

Section 5. Tennessee Code Annotated, Section 57-9-202, is amended by deleting subsection (h) in its entirety.

Rep. Buck moved to amend as follows:

**Amendment No. 1 to Amendment No. 1**

Amend House Bill No. 2092 by inserting between the words "is forfeited" and "shall be" in the second paragraph of subsection (3) of the first, second, third, and fourth

amendatory clauses of Senate Judiciary Committee Amendment 1 the words "as the result of conduct constituting a felony".

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Rep. Buck moved to amend as follows:

**Amendment No. 2 to Amendment No. 1**

AMEND House Bill No. 2092 by inserting between the words "is forfeited" and "shall be" in the first sentence of the second paragraph of subsection (3) of the first, second, third, and fourth amendatory clauses of Senate Judiciary Committee Amendment 1 the words "as the result of conduct constituting a felony".

FURTHER AMEND by inserting between the words "is forfeited" and the words "shall also" in the second sentence of the second paragraph of subsection (3) of the first, second, third, and fourth amendatory clauses of Senate Judiciary Committee Amendment 1 the words "as the result of conduct constituting a felony".

On motion, Amendment No. 2 to Amendment No. 1 was adopted.

Thereupon, Rep. Buck renewed the motion to adopt Amendment No. 1, as amended, which motion prevailed.

Thereupon, Rep. Buck moved that House Bill No. 2092, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

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House Bill No. 1645 -- Highways, Roads and Bridges -- Provides that Scenic Highway System Act of 1971 prevails over Tennessee Parkway System Act. Amends TCA, Title 54, Ch. 17.

On motion, House Bill No. 1645 was made to conform with Senate Bill No. 1621.

On motion, Senate Bill No. 1621, on same subject, was substituted for House Bill No. 1645.

Rep. Anderson moved that Senate Bill No. 1621 be passed on third and final consideration.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2092 by deleting Sections 1 and 2 in their entirety, by substituting instead the following, and by renumbering the subsequent section accordingly:

SECTION 1. Tennessee Code Annotated, Section 54-17-206(a), is amended by deleting existing language of subdivision (1) in its entirety and substituting in place thereof the following:

The provisions of Part 1 relative to advertising structures, junkyards and trash dumping shall apply to the Tennessee Parkway System. If a conflict exists between the provisions of this part and Part 1 relative to advertising structures, junkyards, and trash dumping, due to a road having been designated as being on both the Scenic Highway System pursuant to Part 1 and the Parkway System pursuant to this part, then the provisions of Part 1 shall prevail.

It is the intent of the general assembly that nothing contained in this act shall be construed as having any retroactive force or taking away any vested right or be applied to any contractual obligation.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Anderson moved that Senate Bill No. 1621, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	2
Present and not voting. . . . .	2

Representatives voting aye were: Anderson, Armstrong, Austin,

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Bell, Bittle, Bivens, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

Representatives voting no were: Bragg, Severance -- 2.

Representatives present and not voting were: Dixon, Pruitt -- 2.

A motion to reconsider was tabled.

**House Bill No. 1941 -- County Officers -- Establishes Tennessee Peace Officers' Hall of Fame Board. Amends TCA, Title 4.**

Rep. Cain moved that House Bill No. 1941 be reset to the Calendar for Wednesday, March 28, 1990, which motion prevailed.

**House Bill No. 1935 -- Motor Vehicles -- Defines "new car" under consumer protection law. Amends TCA, Title 47, Ch. 18.**

On motion, House Bill No. 1935 was made to conform with Senate Bill No. 1829.

On motion, **Senate Bill No. 1829**, on same subject, was substituted for House Bill No. 1935.

Rep. Wheeler moved that **Senate Bill No. 1829** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0
Present and not voting. . . . .	2

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber,

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Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

Representatives present and not voting were: Herron, Moody -- 2.

A motion to reconsider was tabled.

**\*House Bill No. 2380 -- Criminal Offenses --** Creates offense of destruction of residential mailbox. Amends TCA, Title 39, Ch. 14, Pt. 4.

Rep. Wix moved that House Bill No. 2380 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2380 by adding after the words "or other container" in subsection (a) of Section 1 the words "or street or highway sign".

AND FURTHER AMEND in Section 2, subsection (b) by deleting the words and figures "one hundred (100)" and substituting instead the words "twenty-five (25)".

On motion, Amendment No. 1 was adopted.

Rep. DePriest moved to amend as follows:

**Amendment No. 2**

Amend House Bill No. 2380 by inserting the following language as a new subsection immediately following subsection 1(a) and by appropriately redesignating subsequent subsections:

( ) It is an offense for any person to knowingly damage or deface real or personal property of the state, or a subdivision thereof, by the painting or other permanent application of graffiti directly onto such property.

On motion, Amendment No. 2 was adopted.

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Thereupon, Rep. Wix moved that House Bill No. 2380, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	96
Noes . . . . .	1
Present and not voting . . . . .	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

Representatives voting no were: Williams -- 1.

Representatives present and not voting were: Dixon -- 1.

A motion to reconsider was tabled.

**PRESENT IN CHAMBER**

Representative Copeland was recorded as being present in the Chamber.

**REGULAR CALENDAR, CONTINUED**

\*House Bill No. 2428 -- Consumer Protection -- Establishes conditions for health club agreements. Amends TCA 47-18-305.

Rep. Bivens moved that House Bill No. 2428 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2428 by deleting Sections 1 through 4 in their entirety and by substituting instead the following new language:

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Section 1. Tennessee Code Annotated, Section 47-18-305, subsection (a), item (5)(B), is amended by deleting (ii) in its entirety and by substituting instead the following:

(ii) STATE LAW REQUIRES THAT HEALTH CLUB AGREEMENTS BE PAYABLE ONLY IN THE FOLLOWING MANNER AND ANY HEALTH CLUB WHICH ENTERS INTO HEALTH CLUB AGREEMENTS SHALL OFFER BOTH PAYMENT OPTIONS AT THE SAME PRICE, EXCLUDING INTEREST OR FINANCE CHARGES OR OTHER EQUIVALENT CHARGES WHICH SHALL NOT EXCEED EIGHTEEN PERCENT (18%) OF THE TOTAL CONTRACT PRICE:

(a) Full payment within ninety (90) days after entering into the health club agreement; or

(b) Equal monthly installments with any down payment (unless exempt as provided by law) limited to thirty percent (30%) of the total cost of the agreement. Prepayment is allowed at any time with full refund of unearned finance charges.

Section 2. Tennessee Code Annotated, Section 47-18-305, subsection (a), item (5)(B), is further amended by deleting (iv) in its entirety and by substituting the following new (iv):

(iv) THERE ARE NO AUTOMATIC OR LIFETIME RENEWALS OF THE TERM INCIDENT TO THE TERM OF THIS CONTRACT. IF THE HEALTH CLUB PROVIDES FOR A RENEWAL OPTION, SUCH OPTION MUST BE AFFIRMATIVELY AGREED TO BY THE BUYER AT THE BEGINNING OF THE RENEWAL PERIOD. THE ANNUAL COST OF SUCH RENEWAL MUST BE SEVENTY-FIVE DOLLARS (\$75.00) OR HIGHER.

Section 3. This act shall take effect on May 1, 1990, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Bivens moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Bivens moved to amend as follows:

**Amendment No. 2**

Amend House Bill No. 2428 by deleting the amendatory language of Section 2 in its entirety and by substituting instead the following:

(iv) There are no automatic or lifetime renewals of the term incident to the term of this contract. If

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the health club provides for a renewal option, such option must be affirmatively agreed to in writing by the buyer at the beginning of the renewal period. The annual cost of such renewal shall not be less than thirty percent (30%) of the annualized cost of the base membership contract or seventy-five dollars (\$75), whichever is greater. Payment of any renewal shall be made as required by Tennessee Code Annotated, Section 47-18-305(a)(5)(B)(ii).

On motion, Amendment No. 2 was adopted.

Rep. Severance moved the previous question, which motion prevailed.

Thereupon, Rep. Bivens moved that House Bill No. 2428, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	89
Noes. . . . .	6
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cote, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Harrill, Hassell, Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 89.

Representatives voting no were: Halteman, Haun, Henry (Putnam), Odom, Stamps, West -- 6.

Representatives present and not voting were: Kernell -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to yes on House Bill No. 2428 and have this statement entered in the Journal.

Rep. Dwight Henry



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REGULAR CALENDAR, CONTINUED

\*House Bill No. 2115 -- Police -- Allows POST to recover police pay supplements based on fraudulent applications. Amends TCA, Title 38, Ch. 8, Pt. 1.

On motion, House Bill No. 2115 was made to conform with Senate Bill No. 2329.

On motion, Senate Bill No. 2329, on same subject, was substituted for House Bill No. 2115.

Rep. Wix moved that Senate Bill No. 2329 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

House Bill No. 2080 -- Equalization Board -- Authorizes investigation of complaints of violations of agents appearing before board; provides for appointment of advisory panel to conduct hearings. Amends TCA, Title 67, Ch. 5.

On motion, House Bill No. 2080 was made to conform with Senate Bill No. 2019.

On motion, Senate Bill No. 2019, on same subject, was substituted for House Bill No. 2080.

Rep. Williams moved that Senate Bill No. 2019 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

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Rep. Williams moved that **Senate Bill No. 2019** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Maun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

**House Bill No. 2373 -- District Attorneys --** Authorizes compensation of criminal investigator as assistant district attorney general under certain circumstances. Amends TCA, Title 8, Ch. 7, Pt. 2.

On motion, **House Bill No. 2373** was made to conform with **Senate Bill No. 2428**.

On motion, **Senate Bill No. 2428**, on same subject, was substituted for **House Bill No. 2373**.

Rep. Ussery moved that **Senate Bill No. 2428** be passed on third and final consideration.

Rep. Buck moved adoption of **Judiciary Committee Amendment No. 1** as follows:

**Amendment No. 1**

Amend **Senate Bill No. 2428** by inserting between the words and punctuation "that position," and the words "the appointee" in the amendatory language of subsection (3) of Section 1 the words "or a person who has twenty (20) years or more experience as an investigator for a federal law enforcement agency,".

On motion, **Amendment No. 1** was adopted.

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Thereupon, Rep. Ussery moved that Senate Bill No. 2429, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

\*House Bill No. 1630 -- Election Laws -- Clarifies that identity of authorizing party is required on all political communications, solicitations, and advertisements. Amends TCA, Title 2, Ch. 19, Pt. 1.

On motion, House Bill No. 1630 was made to conform with Senate Bill No. 2147.

On motion, Senate Bill No. 2147, on same subject, was substituted for House Bill No. 1630.

Rep. Bragg moved that Senate Bill No. 2147 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	99
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom,

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Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 99.

A motion to reconsider was tabled.

**Senate Joint Resolution No. 0096 -- Memorials, Recognition -- Honors former Representative Joe Bewley on service to Council on Pensions and Retirement.**

Rep. Bragg moved that Senate Joint Resolution No. 96 be concurred in, which motion prevailed.

**Senate Joint Resolution No. 0463 -- Highway Signs -- Names Camden Bypass the "Representative W. C. Herndon Jr. Memorial Bypass".**

Rep. Collier moved that Senate Joint Resolution No. 463 be concurred in, which motion prevailed.

**Senate Joint Resolution No. 0464 -- Highway Signs -- Renames the U.S. 70, Tennessee 1 Bridge across Tennessee River between Humphreys and Benton Counties as "Hickman-Lockhard Bridge".**

Rep. Collier moved that Senate Joint Resolution No. 464 be concurred in, which motion prevailed.

**Senate Joint Resolution No. 0465 -- Highway Signs -- Designates bridge spanning Tennessee River between Benton and Humphreys Counties on I-40 as "Senator John Wyly and Mildred Jolly Lashlee Memorial Bridge".**

Rep. Collier moved that Senate Joint Resolution No. 465 be concurred in, which motion prevailed.

**\*House Joint Resolution No. 0510 -- General Assembly, Statement of Intent or Position -- Urges NCAA to review policies relative to compensation of student athletes at university level.**

Rep. R. Jones moved that House Joint Resolution No. 510 be adopted, which motion prevailed by the following vote:

Ayes. . . . .	70
Noes. . . . .	18
Present and not voting. . . . .	3

Representatives voting aye were: Anderson, Armstrong, Austin,

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Bell, Bivens, Buck, Burnett, Byrd, Cain, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Good, Gunnels, Hillis, Hobbs, Holcomb, Holt, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moore (Lawrence), Moore (Shelby), Napier, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wheeler, Williams, Winningham, Wix, Wood, Yelton, Mr. Speaker Murray -- 70.

Representatives voting no were: Bittle, Callicott, Givens, Halteman, Harrill, Henry (Putnam), Henry (Roane), Hubbard, McAfee, Moody, Niceley, Odom, Peroulas, Sipes, Stamps, West, Whitson, Wolfe -- 18.

Representatives present and not voting were: Bragg, Burchfield, Naifeh -- 3.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Joint Resolution No. 510 and have this statement entered in the Journal.

Rep. Joe Burchfield

**REGULAR CALENDAR, CONTINUED**

House Bill No. 2012 -- Election Laws -- Provides that candidates and holders of certain local elective office must be domiciled within district. Amends TCA, Titles 2, 8.

Rep. R. Jones moved that House Bill No. 2012 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	93
Noes . . . . .	0
Present and not voting . . . . .	3

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell,

**MONDAY, MARCH 26, 1990 -- EIGHTY-SECOND LEGISLATIVE DAY**

King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

Representatives present and not voting were: Copeland, Moody, Stamps -- 3.

A motion to reconsider was tabled.

**House Bill No. 1850 -- Real Estate Agents and Brokers -- Enacts the "Real Estate Appraisers Licensing and Certification Act". Amends TCA, Titles 4, 62.**

Rep. Hobbs moved that House Bill No. 1850 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 1850 by deleting all the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 62, is amended by adding Sections 2 through 42 as a new chapter thereto.

SECTION 2. This act shall be known and may be cited as the "State Licensing and Certified Real Estate Appraisers Law".

SECTION 3. The following terms as used in this act have the following meaning:

(1) "Appraisal" means an analysis, opinion or conclusion prepared by a real estate appraiser relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate or identified real property.

(2) "Appraisal report" means any communication, written or oral, or an appraisal. An appraisal report may be classified by the nature of the assignment as a "valuation report", "analysis report" or "review report". For the purposes of this act, the testimony of an appraiser dealing with the appraiser's analyses, conclusions or opinions concerning identified real estate or identified real property is deemed to be an oral appraisal report.

(3) "Appraisal Foundation" means the Appraisal Foundation incorporated as an Illinois not for profit corporation on November 30, 1987.

(4) "Commission" means the real estate appraisal commission established pursuant to Section 7 of this act.

(5) "Certified appraisal report" means a written or oral appraisal report that is certified as such by a state certified real estate appraiser.

(6) "State licensed real estate appraiser" means a person who holds a current, valid real estate appraiser license issued pursuant to the provisions of this act.

(7) "Real estate" means an identified parcel or tract of land, including improvements, if any.

(8) "Real property" means one (1) or more defined interests, benefits, and rights inherent in the ownership of real estate.

(9) "Real estate appraisal activity" means the act or process of making an appraisal of real estate or real property and preparing an appraisal report.

(10) "Real estate appraiser" means a person who engages in real estate appraisal activity for a fee or other valuable consideration.

(11) "Review assignment" means an analysis, opinion or conclusion prepared by a real estate appraiser that forms an opinion as to the adequacy and appropriateness of a valuation appraisal or an analysis assignment.

(12) "State certified real estate appraiser" means a person who develops and communicates real estate appraisals and who holds a current, valid certificate issued to him or her for either general or residential real estate under the provisions of this act.

(13) "Valuation appraisal" refers to an analysis, opinion or conclusion prepared by a real estate appraiser that estimates the value of an identified parcel of real estate or identified real property at a particular point in time. An "analysis assignment" refers to an analysis, opinion or conclusion prepared by a real estate appraiser that relates to the nature, quality or utility of identified real estate or identified real property.

SECTION 4. Except as provided in Section 5 of this act, beginning July 1, 1991, it shall be unlawful for anyone to prepare an appraisal or an appraisal report relating to real estate or real property in this state without first obtaining a real estate appraisers license. This section shall not be construed to apply to individuals who render professional assistance in arriving at a real estate analysis, opinion or conclusion. Nothing in this act shall be construed to prohibit any person who is licensed to practice in this state under any other law from engaging in the practice for which such person is licensed.

SECTION 5. (a) This act shall not apply to a real estate broker or salesperson licensed by this state who, in the ordinary course of business, gives an opinion to a potential seller or third party as to the recommended listing price of real estate or an opinion to a potential purchaser or third party as to the recommended purchase price of real estate; provided, however, that this opinion as to the listing price or the purchase price shall not be referred to as an appraisal and no opinion shall be rendered as to the value of the real estate or real property.

(b) This act shall not apply to a full-time employee who, in the ordinary course of business, gives an opinion of the value of real estate to his employer, provided, however, such opinion may not be represented as an appraisal by a licensed or certified appraiser.

(c) This act shall in no way affect any person who is registered with the state board of equalization in accordance with Section 67-5-1514 while performing any service of any nature for any taxpayer before any tax or assessment authority, agency, or board of equalization.

SECTION 6. (a) No person other than a state certified real estate appraiser under this act shall assume or use that title or any title, designation or abbreviation likely to create the impression of certification as a real estate appraiser by this state.

(b) Only an individual who has qualified as a state certified real estate appraiser under this act is authorized to prepare and sign a certified appraisal report relating to real estate or real property in this state. If an appraisal report is prepared and signed by a state certified real estate appraiser and such appraisal report is certified as such by the state certified real estate appraiser, a holder of a real estate appraiser license or a license as a real estate appraiser trainee who assisted in the preparation of such appraisal report is authorized to



co-sign such appraisal report. An individual who has not qualified as a state certified real estate appraiser shall not describe nor refer to any appraisal or appraisal report relating to real estate or real property in this state by the terms "certified appraisal" or "certified appraisal report".

SECTION 7. (a) There is created an independent real estate appraiser commission under the division of regulatory boards, in the department of commerce and insurance, whose duty shall be to administer and enforce the provisions of this act. The commission shall consist of not more than nine (9) members, two (2) of whom shall be public members. Not less than three (3) and not more than seven (7) of the members shall be real estate appraisers. No more than three (3) commission members may be from any one grand division of the state.

(b) The governor shall appoint the members of the real estate appraiser commission. In making appointments to the commission, the governor shall strive to insure that at least one (1) person serving on the commission is sixty (60) years of age or older and that at least one (1) person serving on the commission is a member of a racial minority.

(c) Each of the real estate appraiser members first appointed to the commission shall possess a minimum of ten (10) years of active experience as a real estate appraiser, or shall be a designated member in good standing of a nationally recognized real estate appraisal organization that as of January 1, 1988, required appraisal experience, education and testing in order to become a designated member in addition to the adherence to the Uniform Standards of Professional Appraisal Practice in order to retain such designation.

(d) Each real estate appraiser member of the commission appointed after January 1, 1991 must be a state certified real estate appraiser. At least two (2) of the appraiser members shall hold the general appraisal certificate and at least one (1) of the appraiser members of the commission shall be a state certified residential real estate appraiser.

(e) The term of each member shall be three (3) years; except that, of the members first appointed, three (3) shall serve for two (2) years and the remaining members shall serve for one (1) year.

(f) Upon expiration of their terms, members of the commission shall continue to hold office until the appointment and qualification of their successors. No person shall serve as a member of the commission for

more than two (2) consecutive terms. The governor may remove a member for cause.

(g) The public members of the commission shall not be engaged in the practice of real estate appraising or with the sale or transfer of real property or real estate, or affiliated with any financial institution.

(h) The commission shall meet at least three (3) times each year to conduct its business. Places of future meetings shall be decided by the vote of members at meetings. Written notice shall be given to each member of the time and place of each meeting of the commission at least ten (10) days before the scheduled date of the meetings.

(i) The members of the commission shall elect a chairperson from among the members to preside at commission meetings.

(j) A majority of the commission shall constitute a quorum. A majority of the members present for a quorum shall be appraiser members.

(k) Each member of the commission shall be entitled to a per diem allowance of fifty dollars (\$50.00) for each meeting of the commission at which the member is present and for each day or substantial part thereof actually spent in the conduct of the business of the commission. In addition, members shall receive actual expenses to be paid in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general.

SECTION 8. (a) The commission shall adopt rules and regulations in aid or in furtherance of this act.

(b) The commission shall have the following powers and duties:

(1) To further define by regulation, for state licensed appraisers and with respect to each category of state certified real estate appraiser, the type of educational experience, appraisal experience, and equivalent experience that will meet the statutory requirements of this act;

(2) To establish the examination specifications for state licensed appraisers and for each category of state certified real estate appraiser, to provide or procure appropriate examination questions and answers, and to establish procedures for grading examinations;

(3) To solicit bids and entering into contracts with one (1) or more educational testing services or organizations for the preparation of a bank of questions and answers for licensing and certification examinations that meet the examination specifications adopted from time to time by the commission;

(4) To approve licensing and certification examinations, based upon the bank of questions and answers and the question selection process approved by the commission, in such places and at such times as may be required to carry out its responsibilities under this act;

(5) To approve or disapprove applications for licenses and certification and issue real estate appraisal licenses and certificates;

(6) To further define by regulation, for state licensed appraisers and with respect to each category of state licensed and certified real estate appraiser, the continuing education requirements for the renewal of certification that will meet the statutory requirements provided in this act;

(7) To review from time to time the standards for the development and communication of real estate appraisals provided in this act and to adopt regulations explaining and interpreting the standards;

(8) To establish administrative procedures for disciplinary proceedings conducted pursuant to the provisions of this act;

(9) To censure, suspend and revoke licenses and certificates pursuant to the disciplinary proceedings provided for in Sections 35, 36 and 37 of this act;

(10) To receive applications for state licenses and certification;

(11) To establish the administrative procedures for processing applications for state licenses and certification;

(12) To maintain a registry of the names and addresses of people licensed or certified under this act;

(13) To retain records and all application materials submitted to it;

(14) To collect from such individuals who perform or seek to perform appraisals in federally related transactions, an annual registry fee of not more than

twenty-five dollars (\$25.00), such fees to be transmitted by the commission on an annual basis to the Federal Financial Institutions Examination Council; and

(15) To perform such other functions and duties as may be necessary in carrying out the provisions of this act.

SECTION 9. The commission shall charge and collect fees to be utilized to fund such activities as may be necessary to carry out the provisions of this act.

SECTION 10. (a) Applications for original license or certification, renewal license or certification, and examinations shall be made in writing to the commission on forms approved by the commission.

(b) Appropriate fees, as fixed by the commission pursuant to Section 9 must accompany all applications for original license or certification, renewal license or certification and examination.

(c) At the time of filing an application for license or certification, each applicant shall sign a pledge to comply with the standards set forth in this act and state that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against a state licensed or certified real estate appraiser, as set forth in this act.

SECTION 11. A licensed real estate appraiser is authorized to appraise all types of real estate and real property in this state, including, but not limited to, commercial, industrial, residential and special purpose properties. However, a state certified appraiser shall be required for all properties having a value of one million dollars (\$1,000,000) or more.

SECTION 12. To qualify for a real estate appraiser license, an applicant must:

(1) Have a high school diploma or its equivalent;

(2) Successfully complete not less than forty-five (45) classroom hours in courses presented by an organization or a school approved by the Tennessee higher education commission which relate to real estate appraisal;

(3) Have obtained a minimum of two (2) years of real estate appraisal experience within the last five (5) years preceding the date of application to the commission. The commission shall promulgate general standards and criteria for its use in conducting an

individual review of the qualifications of a real estate appraiser who is actively engaged in appraising real estate or real property in this state on and after the effective date of this act. The general standards and criteria developed by the commission shall be printed and distributed to all practicing real estate appraisers who request a copy; and

(4) Pass an examination approved by commission that is based upon forty-five (45) classroom hours of appraisal study and is designed to test an individual's knowledge of the basic principles of land economics, the basic principles of real estate appraising, the standards of professional appraisal practice, and the ethical rules to be observed by a real estate appraiser.

SECTION 13. A license as a real estate appraiser trainee shall be granted by the commission to an applicant who has a high school diploma or its equivalent. A real estate appraiser trainee shall register with the commission the name and license or certificate number of the appraiser under whom they are training. A real estate appraiser trainee shall be authorized to assist a licensed or certified appraiser in the performance of an appraisal assignment.

SECTION 14. If the commission determines that an applicant meets the requirements of this act and is qualified for a real estate appraiser license, it shall issue a license to the applicant that shall expire two (2) years following the date of issuance unless revoked or suspended prior thereto. The expiration date of the license shall appear on the license and no other notice of its expiration need be given to its holder.

SECTION 15. (a) As a prerequisite to renewal of licensure, a licensed real estate appraiser shall present evidence satisfactory to the commission of having met the continuing education requirements of this section:

(1) To complete not less than fifteen (15) classroom hours of study specifically relating to the standards of professional appraisal practice and the ethical rules to be observed by a real estate appraiser as required by Sections 38 and 39 of this act presented by an organization or school approved by the Tennessee higher education commission, prior to the appraiser's first license renewal;

(2) For all licensees holding a license issued under Section 12 of this act, the continuing education requirement for renewal of licensure shall be the completion by the applicant, during the two (2) year period immediately preceding the filing of an

application for renewal, of not less than ten (10) classroom hours of instruction per year in courses or seminars which have received the approval of the commission;

(3) For all licensees holding a license issued under Section 18(a) of this act, the continuing education requirement for the first renewal of licensure shall be the successful completion by the applicant of not less than forty-five (45) classroom hours in courses presented by an organization or a school approved by the Tennessee higher education commission which relate to real estate appraisal and not less than fifteen (15) classroom hours specifically relating to the standards of appraisal practice and the ethical rules to be observed by real estate appraisers as required by Section 15(a)(1) of this act. These forty-five (45) classroom hours of instruction must satisfy the educational requirements in subdivision (2) of Section 12 of this act. Upon renewal of a license that was originally issued under Section 18, such license shall thereafter be deemed to have been issued under Section 12. For each renewal of licensure thereafter, the requirement shall be not less than ten (10) classroom hours of instruction per year in courses or seminars which have received the approval of the commission;

(4) For all licensees holding a license issued under Section 18(d) of this act the continuing education requirement for the first renewal of licensure shall be the successful completion by the applicant of the following:

(A) Pass an examination administered by the commission that is based upon forty-five (45) classroom hours of appraisal study and is designed to test an individual's knowledge of the basic principles of land economics, the basic principles of real estate appraising, the standards of professional appraisal practice, and the ethical rules to be observed by a real estate appraiser as required in Section 12(4);

(B) During the two (2) year period immediately preceding the application for renewal of not less than ten (10) classroom hours of instruction per year in courses or seminars which have received the approval of the commission; and

(C) In addition to the above requirements, not less than fifteen (15) classroom hours specifically relating to the standards of appraisal practice and the ethical rules to be

observed by a real estate appraiser.

(b) Upon renewal of a license that was originally issued under Section 18, such license shall thereafter be deemed to have been issued under Section 12. For each renewal of licensure thereafter, the requirement shall be not less than ten (10) classroom hours of instruction per year in courses or seminars which have received the approval of the commission.

(c) The commission shall promulgate regulations to ensure that each individual renewing his license as a real estate appraiser under this act has a working knowledge of current real estate appraisal theories, practices and techniques that will enable such individual to provide competent real estate appraisal services to the members of the public with whom such individual deals in a professional relationship under the authority of his real estate appraiser.

(d) No amendment or repeal of a regulation adopted by the commission pursuant to this section shall operate to deprive a licensed real estate appraiser of credit toward renewal of his license for any course of instruction that is successfully completed by the applicant prior to the date of the amendment or repeal of such regulation.

SECTION 16. (a) To renew a current, valid real estate appraiser license, other than a temporary license issued under Section 31, the holder of such license shall file an application on a form approved by the commission and pay the prescribed renewal fee to the commission not earlier than one hundred twenty (120) days nor later than thirty (30) days prior to the expiration date of the license then held. Each application for renewal shall be accompanied by evidence in the form prescribed by the commission of having completed the continuing education requirement for renewal specified in this act.

(b) If a licensee fails to apply for a renewal of his license as a real estate appraiser within the period prescribed above, such licensee may, within a period of two (2) years following the expiration date of his license, obtain a renewal of such license by satisfying all of the requirements for renewal and paying a late renewal fee. The commission may refuse to renew any license if the licensee has continued to perform real estate appraisal activities in this state following the expiration of his license.

SECTION 17. The commission may, upon its own motion, and shall, upon the written complaint of any aggrieved person, cause an investigation to be made with respect to an alleged violation of Section 39, 40, or 41 of this act by any licensee or applicant for licensure in this state. If any investigation discloses a probable violation of Section 39, 40, or 41 of this act by a licensee or applicant, a formal complaint shall be filed. The commission shall have the power to deny, suspend or revoke a license, issue a formal reprimand or impose a fine not to exceed one thousand dollars (\$1,000) against a renewal applicant or licensee if, after holding an administrative hearing in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5, the commission finds that a renewal applicant or licensee has violated the provisions of Section 39, 40 or 41 of this act. The provisions of this section shall not affect the power and authority of the commission to reject or deny licensure of any applicant who does not comply with the provisions of this act.

SECTION 18. (a) Each real estate appraiser who is actively engaged in appraising real estate in this state on the effective date of this act who wishes to apply for a real estate appraiser's license under this section must file an application for a license within one hundred eighty (180) days of the date that a form, approved by the commission for this purpose, is issued to the general public. The general standards and criteria developed by the commission for its use in conducting an individual review of the qualifications of a real estate appraiser who is actively engaged in appraising real estate or real property in this state on the effective date of this act shall be printed and distributed to all presently practicing real estate appraisers who request a copy. If a timely application is filed and the applicant demonstrates competence and experience satisfactory to the commission, he shall be granted a license under the special provisions of this section.

(b) The commission may defer the requirements in Section 12(2) of this act relative to the successful completion of forty-five (45) classroom hours of appraisal study if an applicant:

(1) Submits satisfactory evidence of having obtained a minimum of five (5) years of real estate appraisal experience within the last seven (7) years preceding the date of application; and

(2) Passes the examination approved by the commission that satisfies the requirement in subdivision (4) of Section 12 of this act.

(c) The renewal of a license issued pursuant



to the provisions of subsection (b) shall be subject to the special conditions for renewal set forth in Section 15(a)(3) of this act.

(d) Except as provided in Section 42, the commission may defer the requirements in Section 12(4) of this act, relative to the successful completion of an examination, if an applicant:

(1) Submits satisfactory evidence of having obtained a minimum of five (5) years of real estate appraisal experience within the last seven (7) years preceding the date of application; and

(2) Has successfully completed not less than forty-five (45) classroom hours in courses presented by an organization or a school approved by the Tennessee higher education commission which relate to real estate appraisal as required in Section 12(2) of this act.

(e) The renewal of a license issued pursuant to the provisions of subsection (d) shall be subject to the special conditions for renewal set forth in Section 15(a)(4) of this act.

(f) The commission may waive the requirements of Section 12 if the applicant meets the requirements of Sections 20 and 21 and qualifies as a state certified residential real estate appraiser or state certified general real estate appraiser.

SECTION 19. (a) There shall be at least two (2) classes of certification for state certified real estate appraisers. These classes shall include:

(1) The state certified residential real estate appraiser classification shall consist of those persons meeting the requirements for certification relating to the appraisal of residential real property of one (1) to four (4) units, and up to twelve (12) units when a net income capitalization analysis is not required by the terms of the assignment and a secondary mortgage market form is used.

(2) The state certified general real estate appraiser classification shall consist of those persons meeting the requirements for certification relating to the appraisal of all types of real property.

(b) The application for original certification,

renewal certification and examination shall specify the classification of certification being applied for and previously granted.

SECTION 20. It is the intent of this act that any certification examination be consistent with and equivalent to the Uniform State Certification Examination issued or endorsed by the Appraisal Qualifications Board of the Appraisal Foundation and the commission may adopt changes in the examination to meet these criteria. An original certification as a state certified real estate appraiser shall not be issued to any person who has not demonstrated through a written examination process that he or she possesses the following:

(1) Appropriate knowledge of technical terms commonly used in or related to real estate appraising, appraisal report writing, and economic concepts applicable to real estate;

(2) Understanding of the principles of land economics, real estate appraisal processes, and of problems likely to be encountered in gathering, interpreting, and processing of data in carrying out appraisal disciplines;

(3) Understanding of the standards for the development and communication of real estate appraisals as provided in this act;

(4) Knowledge of theories of depreciation, cost estimating, methods of capitalization, and the mathematics of real estate appraisal that are appropriate for the classification of certificate applied for;

(5) Knowledge of other principles and procedures as may be appropriate for the respective classifications;

(6) Basic understanding of real estate law; and

(7) Understanding of the types of misconduct for which disciplinary proceedings may be initiated against a state certified real estate appraiser.

SECTION 21. (a) As a prerequisite to taking the examination for certification as a state certified general real estate appraiser, an applicant shall present evidence satisfactory to the commission that he or she:

(1) Is the holder of a valid real estate appraiser license, except as provided in Section 18(f);

(2) Has a baccalaureate degree or has

successfully completed not less than one hundred fifty (150) classroom hours of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or a college or university approved by the commission as may be promulgated by the Appraisal Qualifications Board of the Appraisal Foundation; and

(3) In addition to the requirements of item (2), has fifteen (15) classroom hours related to standards of professional practice and the provisions of this act.

(b) As a prerequisite to taking the examination for certification as a state certified residential real estate appraiser, an applicant shall present evidence satisfactory to the commission that he or she:

(1) Is the holder of a valid real estate appraiser license, except as provided in Section 18(f);

(2) Has a college degree or has successfully completed not less than sixty (60) classroom hours of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or a college or university approved by the commission as may be promulgated by the Appraisal Qualifications Board of the Appraisal Foundation; and

(3) In addition to the requirements of item (2), has fifteen (15) classroom hours related to standards of professional practice and the provisions of this act.

(c) It is the intent of this act to meet the minimum criteria for certification established from time to time by the Appraiser Qualification Board of the Appraisal Foundation and the commission may recommend changes to this section to meet those criteria.

SECTION 22. (a) An original certification as a state certified real estate appraiser shall not be issued to any person who does not possess the equivalent of two (2) years of experience in real property appraisal supported by adequate written reports or file memoranda. Such experience, or the equivalent thereof, must be acquired within a period of five (5) years immediately preceding the filing of the application for certification.

(b) Each applicant for certification shall furnish under oath a detailed listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make

available to the commission for examination, a sample of appraisal reports which the applicant has prepared in the course of his or her appraisal practice.

(c) It is the intent of this act to meet the minimum criteria for certification established from time to time by the Appraiser Qualification Board of the Appraisal Foundation and the commission may recommend changes to this section to meet those criteria.

SECTION 23. The initial certification issued under the authority of this act shall expire upon the expiration date of the license held by a certificate holder. Thereafter, the term of a certificate issued under the authority of this act shall be two (2) years from the date of issuance unless revoked or suspended prior thereto. The expiration date of the certificate shall appear on the certificate and no other notice of its expiration need be given to its holder.

SECTION 24. (a) To obtain a renewal certificate as a state certified real estate appraiser, the holder of a current, valid certificate:

(1) Shall make application and pay the prescribed fee to the commission not earlier than one hundred twenty (120) days nor later than thirty (30) days prior to the expiration date of the certificate then held. With the application for renewal, the state certified real estate appraiser shall present evidence in the form prescribed by the commission of having completed the continuing education requirements for renewal specified in this act.

(2) If the commission determines that an applicant has failed to meet the requirements for renewal of certification through mistake, misunderstanding, or circumstances beyond the control of the applicant, the commission may extend the term of the certificate for a period not to exceed six (6) months, upon payment by the applicant of a prescribed fee for the extension.

(3) If the applicant satisfies the requirements for renewal during the extended term of certification, the beginning date of the new renewal certificate shall be the day following the expiration of the certificate previously held by the applicant.

(b) If a person fails to renew a certificate as a state certified real estate appraiser prior to its expiration or within a period of extension granted by the commission pursuant to this act, the person may obtain a renewal certificate by satisfying all of the

requirements for renewal and by the payment of a late renewal fee.

SECTION 25. The commission may, in accordance with the provisions of this act relating to hearings, deny the issuance of a certificate as a state licensed or certified real estate appraiser to an applicant who has been convicted of a felony or on any of the grounds enumerated in this act.

SECTION 26. (a) Each state licensed or certified real estate appraiser shall advise the commission of the address of his or her principal place of business and all other addresses at which he or she is currently engaged in the business of preparing real property appraisal reports.

(b) Whenever a state licensed or certified real estate appraiser changes a place of business, he or she shall immediately give written notification of the change to the commission and apply for an amended certificate.

(c) Every state licensed or certified real estate appraiser shall notify the commission of his or her current residence address. Residence addresses on file with the commission are exempt from disclosure as public records.

SECTION 27. No person engaged in the business of real estate appraising in this state or acting in the capacity of a real estate appraiser in this state may bring or maintain any action in any court of this state to collect compensation for the performance of real appraisal services for which a license is required by this act without alleging and proving that he was the holder of a valid real estate appraiser license in this state at all times during the performance of such services.

SECTION 28. Any person required by this act to be licensed who engages in real estate appraisal activity in this state without obtaining a license therefore, or who violates any provision of this act, shall be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000) or imprisonment not to exceed eleven (11) months and twenty-nine (29) days, or both, and shall be ineligible to obtain a license for a period of one (1) year from the date of his conviction of such offense. Provided, however, that the commission, at its discretion, may grant a license to such person within such one (1) year period upon application and after an administrative hearing.

SECTION 29. The commission shall prepare and issue at least once each calendar year a roster showing the name and place of business of each real estate appraiser currently licensed and each real estate appraiser currently

certified. A copy of such roster shall be made available to the public, upon application to the commission, at such reasonable price per copy as may be fixed by the commission.

SECTION 30. The commission may, upon payment of a fee in an amount specified in its regulations, issue a certificate of good standing to any licensed real estate appraiser or any certified real estate appraiser who is in good standing in this state.

SECTION 31. (a) Each applicant for licensure and each applicant for certification who is not a resident of this state shall submit with his application an irrevocable consent that service of process upon him may be made by delivery of the process to the secretary of state if, in an action against the applicant in a court of this state arising out of the applicant's activities as a real estate appraiser in this state, the plaintiff cannot, in the exercise of due diligence, effect personal service upon the applicant.

(b) A nonresident of this state who has complied with the provisions of subsection (a) may obtain a license as a real estate appraiser in this state by complying with all of the provisions of this act relating to the licensing of real estate appraisers.

(c) A nonresident of this state who has complied with the provisions of subsection (a) may obtain a temporary license to perform a contract relating to the appraisal of real estate or real property in this state. To qualify for the issuance of a temporary license, an applicant must:

(1) Submit an application on a form approved by the commission;

(2) Submit evidence that he is licensed or otherwise authorized to appraise real estate and real property in his state of domicile;

(3) Submit a copy of the contract for appraisal services that requires the applicant to appraise real estate or real property in this state and certify that such contract is in full force and effect;

(4) Certify that disciplinary proceedings are not pending against the applicant in the applicant's state of domicile;

(5) Pay an application fee in an amount established by the commission; and

(6) Comply with such other requirements as

may be established by the commission.

(d) No more than three (3) temporary licenses shall be granted to an individual in any two (2) year period. A temporary license issued under this section shall be expressly limited to a grant of authority to perform the appraisal work required by the contract for appraisal services that is submitted with the application for a temporary license. Each temporary license shall expire upon the completion of the appraisal work required by the contract for appraisal services or six (6) months from the date of issuance, whichever shall first occur. A temporary license may not be renewed.

(e) If, in the determination of the commission, another state or territory or the District of Columbia is deemed to have substantially equivalent licensure laws for real estate appraisers, an applicant for licensure in this state who is licensed under the law of such other state, territory or district may obtain a license as a real estate appraiser in this state upon such terms and conditions as may be determined by the commission; provided, however, that the laws of such state, territory or district accord substantially equal reciprocal rights to a licensed real estate appraiser in good standing in this state and provided further that disciplinary proceedings are not pending against such applicant in his state of licensure.

(f) A nonresident of this state may be certified as a state certified real estate appraiser by complying with all of the provisions of this act relating to state certified real estate appraisers.

(g) If, in the determination of the commission, another state, territory or the District of Columbia is deemed to have substantially equivalent certification requirements, an applicant who is certified under the laws of such other state, territory or district may be certified as a state certified real estate appraiser under this act upon such terms and conditions as may be determined by the commission.

SECTION 32. (a) A license or certificate issued under authority of this act shall bear the signature or facsimile signature of the chairman of the commission and a license or certificate number assigned by the commission.

(b) Each state licensed real estate appraiser shall place his or her license number adjacent to or immediately below the title "State Licensed Real Estate Appraiser" when used in an appraisal report or in a contract or other instrument used by the licensee.

holder in conducting appraisal activities, unless the licensed appraiser is also a state certified appraiser.

(c) Each state certified real estate appraiser shall place his or her certificate number adjacent to or immediately below the title "State Certified Residential Real Estate Appraiser" or "State Certified General Real Estate Appraiser" when used in an appraisal report or in a contract or other instrument used by the certificate holder in conducting appraisal activities.

SECTION 33. (a) The terms "State Certified Real Estate Appraiser", "State Certified Residential Real Estate Appraiser", "State Certified General Real Estate Appraiser", or "State Licensed Real Estate Appraiser" may only be used to refer to individuals who hold the license or certificate and may not be used following or immediately in connection with the name or signature of a firm, partnership, corporation, or group; or in such manner that it might be interpreted as referring to a firm, partnership, corporation, group, or anyone other than an individual holder of the license or certificate.

(b) No license or certificate shall be issued under the provisions of this act to a corporation, partnership, firm or group. This shall not be construed to prevent a state licensed or certified real estate appraiser from signing an appraisal report on behalf of a corporation, partnership, firm or group practice.

SECTION 34. (a) The renewal of a license held by a state certified appraiser shall be issued pursuant to the special conditions for renewal set forth in this section.

(b) As a prerequisite to renewal of certification, a state certified real estate appraiser shall present evidence satisfactory to the commission of having met the continuing education requirements of this section.

(c) The basic continuing education requirement for renewal of certification shall be the completion by the applicant, during the immediately preceding term of certification, of not less than ten (10) classroom hours of instruction per year in courses or seminars which have received the approval of the commission as may be promulgated by the Appraisal Qualifications Board of the Appraisal Foundation.

(d) In lieu of meeting the requirements of subsection (c) an applicant for renewal of a certification may satisfy all or part of the requirements by presenting evidence of the following:



(1) Completion of an educational program of study determined by the commission as may be promulgated by the Appraisal Qualifications Board of the Appraisal Foundation to be equivalent, for continuing education purposes, to courses approved by the Appraisal Qualifications Board of the Appraisal Foundation pursuant to subsection (c); or

(2) Participation other than as a student in educational processes and programs approved by the commission as may be promulgated by the Appraisal Qualifications Board of the Appraisal Foundation which relate to appropriate appraisal theory, practices or techniques, including, but not necessarily limited to, teaching, program development and preparation of textbooks, monographs, articles, and other instructional materials.

(e) The commission shall adopt regulations for implementation of the provisions of this section to ensure that persons renewing their certifications as state certified real estate appraisers have current knowledge of appropriate appraisal theories, practices, and techniques which will provide a high degree of service and protection to those members of the public with whom they deal in a professional relationship under authority of the certification. The regulations shall prescribe the standards, monitoring methods, and systems for recording attendance to be employed by course sponsors as a prerequisite to commission approval of courses for credit.

(f) After January 1, 1991 a certification as a state certified real estate appraiser that has been revoked as a result of disciplinary action by the commission shall not be reinstated unless the applicant presents evidence of completion of the continuing education required by this act. This requirement of evidence of continuing education shall not be imposed upon an applicant for reinstatement who has been required to successfully complete the examination for a state licensed or certified real estate appraiser as a condition to reinstatement of the certification.

(g) It is the intent of this act to meet the minimum criteria for certification established from time to time by the Appraiser Qualification Board of the Appraisal Foundation and the commission may recommend changes to this section to meet those criteria.

SECTION 35. (a) The rights of any applicant or holder under a certificate as a state licensed or certified real

estate appraiser may be revoked or suspended, or the holder of the certificate may be otherwise disciplined in accordance with the provisions of this act, upon any of the grounds set forth in this section. The commission may investigate the actions of a state licensed or certified real estate appraiser, and may revoke or suspend the rights of a certificate holder or otherwise discipline a state licensed or certified real estate appraiser for any of the following acts or omissions:

- (1) Procuring or attempting to procure a certificate pursuant to this act by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for license or certification or through any form of fraud or misrepresentation;
- (2) Failing to meet the minimum qualifications established by this act;
- (3) Paying money other than provided for by this act to any member or employee of the commission to procure a license or certificate under this act;
- (4) A conviction, including a conviction based upon a plea of guilty or nolo contendere, of a crime which is substantially related to the qualifications, functions, and duties of a person developing appraisals and communicating appraisals to others or convicted of any felony;
- (5) An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the license or certificate holder or another person or with the intent to substantially injure another person;
- (6) Violation of any of the standards for the development or communication of appraisals as provided in this act;
- (7) Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal;
- (8) Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal;
- (9) Willfully disregarding or violating any of the provisions of this act or the regulations of the commission for the administration and enforcement of the provisions of this act;

(10) Accepting an appraisal assignment when the employment itself is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion, or where the fee to be paid is contingent upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment;

(11) Violating the confidential nature of governmental records to which he or she gained access through employment or engagement as an appraiser by a governmental agency; or

(12) Entry of a final civil judgment against the person on grounds of fraud, misrepresentation or deceit in the making of any appraisal.

(b) In a disciplinary proceeding based upon a civil judgment, the state licensed or certified real estate appraiser shall be afforded an opportunity to present matters in mitigation and extenuation, but may not collaterally attack the civil judgment.

SECTION 36. (a) Before suspending or revoking any license or certification, the commission shall notify the appraiser in writing of any charges made at least twenty (20) days prior to the date set for the hearing and shall afford him or her an opportunity to be heard in person or by counsel.

(b) The written notice may be served either personally or sent by registered or certified mail to the last known business address of the appraiser.

(c) The commission shall have the power to subpoena and issue subpoenas duces tecum and to bring before it any person in this state, and to take testimony by deposition, in the same manner as prescribed by law in judicial proceedings in the courts of this state.

SECTION 37. (a) The hearing on the charges shall be at a time and place prescribed by the commission and in accordance with the provisions of the Administrative Procedures Act, compiled in Title 4, Chapter 5.

(b) If the commission determines that a state licensed or certified appraiser is guilty of a violation of any of the provisions of this act, it shall prepare a finding of fact and recommend that the appraiser be reprimanded or that his or her license or certification be suspended or revoked. The Decision and Order of the commission shall be final, pending legal review.

(c) Any final Decision or Order of the commission shall be reviewable by a court of appropriate jurisdiction as to questions of law only. Any application for review made by an aggrieved party shall be filed within thirty (30) days after the final Decision or Order of the commission.

(d) If an application for review of a final Decision or Order of the commission is filed, the case shall be fixed for trial within thirty (30) days from the filing of an answer by the commission. If the court finds that the commission has regularly pursued its authority and has not acted arbitrarily, it shall affirm the Decision or Order.

SECTION 38. It is the intent of this act that real estate appraisals be performed in accordance with generally accepted appraisal standards. Therefore, state licensed and/or certified real estate appraiser must comply with the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of the Appraisal Foundation.

SECTION 39. (a) A client or employer may retain or employ a state licensed or certified real estate appraiser to act as a disinterested third party in rendering an unbiased estimate of value or analysis. A client or employer may also retain or employ a state licensed or certified real estate appraiser to provide specialized services to facilitate the client's or employer's objectives. In either case, the appraisal and the appraisal report must comply with the provisions of this act.

(b) For the purposes of this act, the term "appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate.

(c) For the purposes of this act, the term "specialized services" means those appraisal services which do not fall within the definition of appraisal assignment. The term "specialized services" may include valuation work and analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion or conclusion the work is classified as an appraisal assignment and not "specialized services".

SECTION 40. (a) A state licensed or certified real estate appraiser may not accept a fee for an appraisal assignment that is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion or is contingent upon the opinion, conclusion or valuation reached, or upon the consequences resulting from the appraisal assignment.

(b) A state licensed or certified real estate appraiser who enters into an agreement to perform specialized services may be paid a fixed fee or a fee that is contingent on the results achieved by the specialized services.

SECTION 41. (a) A state licensed or certified real estate appraiser shall retain for three (3) years, originals or true copies of all written contracts engaging his or her services for real property appraisal work, and all reports and supporting data assembled and formulated by the appraiser in preparing the reports.

(b) The three (3) year period for retention of records is applicable to each engagement of the services of the appraiser and shall commence upon the date of the submittal of the appraisal to the client unless, within such three (3) year period, the appraiser is notified that the appraisal or report is involved in litigation, in which event the three (3) year period for the retention of records shall commence upon the date of the final disposition of such litigation.

(c) All records required to be maintained under the provisions of this act shall be made available by the state licensed or certified real estate appraiser for inspection and copying by the commission on reasonable notice to the appraiser.

SECTION 42. Any person who has actively engaged in appraising property for two (2) years prior to the effective date of this act may, within one hundred eighty (180) days of the organizational meeting of the commission, apply to the commission for licensure or certification, as appropriate. The commission shall, upon determining that an applicant meets all of the qualifications and criteria prescribed by this act, waive the examination requirements prescribed by Section 12(4) of this act. Provided, however, if the Appraisal Subcommittee of the Federal Financial Institutions Examination Council determines this section will cause this act to not meet the standards of the Appraisal Subcommittee and will subject the act to be disapproved by the Appraisal Subcommittee, then the provisions of this section shall be void.

SECTION 43. (a) The commission shall have the

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authority to promulgate rules and regulations pursuant to Title 4, Chapter 5, as may be necessary to ensure compliance with the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and such other federal law as may be applicable.

(b) It is the intent of this act to enact policies, practices and procedures consistent with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. Under federal law, this act is subject to judicial review and review by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council. If any provision of this act or its application to any person or in any circumstance is declared by the Appraisal Subcommittee and a court of competent jurisdiction to be invalid or unenforceable, provisions constituting the remainder of the act and the application of those provisions to other persons and in other circumstances shall not be affected.

SECTION 44. Tennessee Code Annotated, Section 4-29-212(a), is amended by adding a new item thereto, as follows:

( ) Real estate appraiser commission, created by Section 7 of this act;

SECTION 45. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 46. For the purpose of appointing commission members and for promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect January 1, 1991, the public welfare requiring it.

Rep. Shirley moved to amend as follows:

Amendment No. 1 to Amendment No. 1

AMEND House Bill No. 1850 by deleting the second sentence of subsection (a) of Section 7, as amended, and by substituting instead the following:

The Commission shall consist of nine (9) members, two (2) of whom shall be public members, one (1) of whom shall be a full time educator of appraisal education, within the state's universities, colleges, and junior colleges. Six (6) of the members shall be real estate appraisers. Not

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more than three (3) commission members may be from any one grand division of the state.

AND FURTHER AMEND by deleting the words and figure "one (1) person" in subsection (b) of Section 7, as amended, and by substituting instead the words and figure "two (2) persons".

AND FURTHER AMEND by adding the following sentence at the end of subsection (b) of Section 7, as amended:

No more than one (1) member shall be from any one (1) appraiser organization.

AND FURTHER AMEND by deleting subsection (c) of Section 7, as amended, and by substituting instead the following:

(c) Each of the real estate appraiser members first appointed to the commission shall possess a minimum of ten (10) years of active experience as a real estate appraiser.

AND FURTHER AMEND by deleting subsection (d) of Section 7, as amended, and by substituting instead the following:

(d) Each real estate appraiser member of the commission appointed after January 1, 1991, must be a state certified real estate appraiser or a state licensed real estate appraiser. At least three (3) of the members shall be state licensed and two (2) shall be state certified residential and one (1) shall be a state certified general appraiser.

AND FURTHER AMEND by deleting subsection (e) of Section 7, as amended, and by substituting instead the following:

(e) The governor shall make initial appointment of three (3) members for terms of one (1) year, three (3) members for terms of two (2) years, and three (3) members for terms of three (3) years. Thereafter, all members shall be appointed for terms of three (3) years.

AND FURTHER AMEND by adding a new subsection at the end of Section 7, as amended, as follows:

(L) The commission at its organizational meeting shall appoint a sub-committee whose duties will be to work with the state's universities, colleges, and junior colleges to implement a statewide educational network of appraisal courses leading to an associate and/or baccalaureate of applied science degree in real estate appraisal.

AND FURTHER AMEND by adding the following new subsection to Section 8, as amended:

(c) The commission in an effort to assist the

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appraisers throughout the state to prepare for their comprehensive examinations shall hold numerous two (2) day seminars across the state in which the typical exam problems and solutions will be studied. The commission shall charge a reasonable fee sufficient to reimburse the cost of offering these seminars.

AND FURTHER AMEND by deleting the word and figure "two (2)" in subsection (a) of Section 19, as amended, and by substituting instead the word and figure "three (3)".

AND FURTHER AMEND by designating the present language of Section 28 to be subsection (a) and by adding new subsections (b), (c), (d), and (e), as follow:

(b) The board shall not deny, revoke, suspend, refuse to renew, or discriminate against any applicant for membership or lack of membership in any real estate appraiser organization.

(c) No person, corporation, government entity, bank, or other financial institution shall discriminate against any appraiser for membership or lack of membership in any appraisal organization. A violation of this section is a Class A misdemeanor.

(d) Any attempt by any person, corporation, government entity, bank, or other financial institution to unduly intimidate an appraiser or influence an appraiser's report relating to market conditions or determination of value shall be a Class A misdemeanor.

(e) The commission shall use all available means to locate and communicate with all persons holding themselves out as appraisers.

AND FURTHER AMEND by deleting in its entirety Section 42, as added by the 53 page amendment to the bill, and renumbering subsequent sections accordingly.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Rep. Hobbs moved to amend as follows:

**Amendment No. 2 to Amendment No. 1**

Amend House Bill No. 1850 by adding the following language as a new, appropriately designated subsection within Section 21:

( ) If, and only if, to do so would be consistent with federal regulations and guidelines issued pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, then the commission may, by rule promulgated in accordance with the provisions of



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Tennessee Code Annotated, Title 4, Chapter 5, adopt policies and procedures whereby an applicant may substitute prior appraisal experience for all or a portion of the educational requirements contained within subdivisions (a)(2), (a)(3), (b)(2), or (b)(3); provided, however, such rules, if promulgated, shall cease to be effective no later than January 1, 1996.

On motion, Amendment No. 2 to Amendment No. 1 was adopted.

Rep. Buck moved to amend as follows:

**Amendment No. 3 to Amendment No. 1**

Amend House Bill No. 1850 by adding the following new section to be appropriately renumbered:

SECTION \_\_\_\_ . No provision of this act shall act or be construed to prohibit a real estate broker licensed under Title 62, Chapter 7 from testifying as to the value of property in court cases as an expert witness and receiving a fee for such testimony subject to review by the court.

On motion, Amendment No. 3 to Amendment No. 1 was adopted.

Thereupon, Rep. Rhinehart renewed the motion to adopt Amendment No. 1, as amended, which motion prevailed.

Thereupon, Rep. Hobbs moved that **House Bill No. 1850**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

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REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 1850 and have this statement entered in the Journal.

Rep. Tom Wheeler

MESSAGE FROM THE SENATE

March 26, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2607; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

\*Senate Bill No. 2607 -- Utilities, Utility Districts -- Increases the number of positions on the board of commissioners for certain utility districts in Unicoi County. Amends TCA, Title 7.

MESSAGE FROM THE SENATE

March 26, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2531; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

Senate Bill No. 2531 -- Utilities, Utility Districts -- Expands board of commissioners in Polk County. Amends TCA 7-82-307.

MESSAGE FROM THE SENATE

March 26, 1990

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 2437.

The Senate nonconcurred in House Amendment(s) No(s). 1.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MOTION TO RECONSIDER

Rep. Kisber moved to lift from the table the motion to reconsider House Bill No. 1291, which motion prevailed.

House Bill No. 1291 -- Municipal Government -- Enables municipalities to "do within their boundaries anything the state

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could do". Amends TCA, Titles 6, 7, 13, 67. by \*Miller, \*Kisber.

Rep. Kisber moved to reconsider our action in passing House Bill No. 1291, which motion prevailed.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1, which motion prevailed.

Thereupon, Rep. Kisber moved that **House Bill No. 1291**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

**CONSENT CALENDAR**

**House Bill No. 2414** -- Mass Transit -- Defines "mass transit systems". Amends TCA 54-4-103.

On motion, House Bill No. 2414 was made to conform with Senate Bill No. 2403.

On motion, **Senate Bill No. 2403**, on same subject, was substituted for House Bill No. 2414.

**House Bill No. 1931** -- Pensions and Retirement Benefits -- Allows certain employees of Tennessee national guard creditable service in TCRS. Amends TCA, Title 8, Ch. 34, Pt. 6.

On motion, House Bill No. 1931 was made to conform with Senate Bill No. 1985.

On motion, **Senate Bill No. 1985**, on same subject, was substituted for House Bill No. 1931.

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**House Bill No. 1662 -- Administrative Procedure --** Extends certain agency rules scheduled to expire pursuant to the provisions of Uniform Administrative Procedures Act. Amends TCA, Title 4, Ch. 5.

**\*House Bill No. 2497 -- Election Laws --** Increases criminal penalty for publishing knowingly false information about candidate. Amends TCA, Title 2.

**\*House Bill No. 1741 -- Highways, Roads and Bridges --** Deletes provision exempting certain counties from qualifications of chief administrative officer. Amends TCA 54-7-104.

On motion, House Bill No. 1741 was made to conform with Senate Bill No. 2112.

On motion, **Senate Bill No. 2112**, on same subject, was substituted for House Bill No. 1741.

**\*House Bill No. 1806 -- Salaries and Benefits --** Authorizes certain TBI employees to receive longevity pay. Amends TCA 8-23-206.

**\*House Bill No. 1809 -- Fees --** Revises fees for blood alcohol tests performed by TBI. Amends TCA, Title 38, Ch. 6.

**\*House Joint Resolution No. 0568 -- General Assembly, Studies --** Creates joint committee to study fee discounts for senior citizens.

**\*House Joint Resolution No. 0596 -- Highway Signs --** Designates certain bridge on I-181 in Unicoi County as the "W.A. Wilson, Sr. Memorial Bridge".

**\*House Joint Resolution No. 0597 -- Highway Signs --** Designates certain bridge on I-181 in Unicoi County as the "Ned Lyle Memorial Bridge".

**\*Senate Joint Resolution No. 0474 -- Highway Signs --** Provides for directional signs to Cumberland Caverns on I-24 and I-40.

**\*Senate Joint Resolution No. 0171 -- General Assembly, Studies --** Continues study of problems of homeless.

**House Bill No. 2576 -- Utilities, Utility Districts --** Increases the number of positions on the board of commissioners for certain utility districts in Unicoi County. Amends TCA, Title 7.

On motion, House Bill No. 2576 was made to conform with Senate Bill No. 2607.

On motion, **Senate Bill No. 2607**, on same subject, was substituted for House Bill No. 2576.

**\*House Bill No. 2390 -- Utilities, Utility Districts --** Expands board of commissioners in Polk County. Amends TCA 7-82-307.

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On motion, House Bill No. 2390 was made to conform with Senate Bill No. 2531.

On motion, **Senate Bill No. 2531**, on same subject, was substituted for House Bill No. 2390.

**\*House Bill No. 2153 -- Telecommunications --** Creates misdemeanor to place a recorded solicitation call which does not disconnect when party called replaces receiver. Amends TCA 39-17-308.

**\*House Bill No. 1719 -- Correctional Programs --** Allows use of state prison labor by federal government. Amends TCA, Title 41, Ch. 9.

On motion, House Bill No. 1719 was made to conform with Senate Bill No. 1989.

On motion, **Senate Bill No. 1989**, on same subject, was substituted for House Bill No. 1719.

**House Joint Resolution No. 0695 -- Naming and Designating --** Designates April 22 as Earth Day 1990.

**House Joint Resolution No. 0681 -- Naming and Designating --** Designates May 6, 1990, as "Ramp Festival Day".

**\*House Joint Resolution No. 0511 -- Highway Signs --** Designates portion of U.S. Highway 72 as "W.C. Handy Memorial Highway".

**House Joint Resolution No. 0758 -- Memorials, Sports --** Honors Coach Don Meyer and the David Lipscomb University basketball team on reaching semifinals of NAIA.

**House Joint Resolution No. 0760 -- Memorials, Sports --** Honors Bartlett High School varsity cheerleaders, first place winners in all girl varsity division national competition.

**House Joint Resolution No. 0761 -- Memorials, Sports --** Honors Raleigh-Egypt High School cheerleaders, 1990 national champions.

**House Joint Resolution No. 0762 -- Memorials, Sports --** Honors Germantown Junior Varsity cheerleaders, national champions of junior varsity division.

**House Joint Resolution No. 0763 -- Memorials, Sports --** Congratulates Germantown High School freshman cheerleaders on being named national champions.

**House Joint Resolution No. 0764 -- Memorials, Recognition --** Commends Giles Countians United and citizens of Pulaski in efforts to prevent racial discrimination.

**House Bill No. 2644 -- Monterey --** Revises charter relative to aldermanic elections. Amends Chapter 492, Acts of 1901, as amended.

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On motion, House Bill No. 2644 was made to conform with Senate Bill No. 2663.

On motion, Senate Bill No. 2663, on same subject, was substituted for House Bill No. 2644.

House Bill No. 2645 -- Hawkins County -- Lengthens term of county attorney. Amends Chapter 123, Private Acts of 1983.

House Bill No. 2648 -- Carter County -- Requires permits for certain structures in flood hazard area.

House Bill No. 2647 -- Carter County -- Establishes minimum development standards for mobile homes.

Senate Joint Resolution No. 0554 -- Memorials, Retirement -- Honors Martha Rimlinger O'Rear on retirement from state service.

#### OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1809 was objected to by Rep. Williams.

House Bill No. 1662 was objected to by Rep. Chiles.

House Bill No. 2645 was objected to by Rep. Givens.

House Joint Resolution No. 596 was objected to by Rep. Naifeh.

House Joint Resolution No. 597 was objected to by Rep. Naifeh.

Under the rules, House Bill(s) No(s). 1809, 1662 and 2645; also House Joint Resolution(s) No(s). 596 and 597 was/were placed at the foot of the calendar for Wednesday, March 28, 1990.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis

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(Knox), DeBerry, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Scruggs moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 768 out of order, which motion prevailed.

House Joint Resolution No. 0768 -- Memorials, Sports -- Honors Coach Pat Head Summitt and Lady Vols on winning regular season Southeastern Conference championship. by \*Scruggs.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Scruggs, with request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

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MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 1797** -- Insurance, Health, Accident -- Authorizes certain members of state insurance committee to designate alternate representatives to attend meetings under certain conditions. Amends TCA, Title 8, Chs. 27, 44.

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1797**, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callcott, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

**House Bill No. 2510** -- General Assembly -- Establishes functions for which members are eligible for expenses. Amends TCA 3-1-106, 107.

**Senate Amendment No. 4**

AMEND House Bill No. 2510 by adding the following new paragraph to SECTION 1:

Tennessee Code Annotated, Section 3-1-106, is further amended in subsection (a) by deleting from the last sentence the words "held without" and substituting instead the words "held within or without".

AND FURTHER AMEND by deleting SECTION 3 in its entirety and substituting instead the following new sections:

SECTION 3. Tennessee Code Annotated, Section 3-1-107, is amended by adding the following new paragraph to subsection (a):



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Beginning with the election of the Ninety-Seventh General Assembly, in addition to the base annual salary provided in the first paragraph of this subsection, during the interim between sessions, for each day while performing official duties as a legislator attending to state business at the seat of government, each member may receive supplemental compensation in an amount as provided in Section 3-1-106(b)(1). Such days shall be certified by the member to the speaker of the respective house for prior approval.

Section 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 5. This act shall take effect November 6, 1990, the public welfare requiring it.

Rep. Naifeh moved that the House nonconcur in Senate Amendment(s) No(s). 4 to House Bill No. 2510, which motion prevailed.

### UNFINISHED BUSINESS

#### RULES SUSPENDED

Rep. King moved that the rules be suspended for the purpose of recalling Senate Joint Resolution No. 488 from the Calendar and Rules Committee for immediate consideration, which motion prevailed.

Senate Joint Resolution No. 0488 -- Naming and Designating -- Designates Memphis in May International Festival as official international festival of Tennessee.

On motion of Rep. King, the resolution was concurred in.

A motion to reconsider was tabled.

#### NOTICE TO ACT ON SENATE MESSAGES

Pursuant to Rule No. 59, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Wednesday, March 28, 1990:

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**House Bill No. 2345:** Rep. Holcomb.

**House Bill No. 2513:** Rep. King.

**Senate Bill No. 1854:** Rep. Bragg.

**Senate Bill No. 2437:** Rep. Pinion.

**RULES SUSPENDED**

Rep. Naifeh moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Bill(s) No(s). 2631 and 2628 can be heard by the Conservation and Environment Committee on Wednesday, March 28, 1990, which motion prevailed.

**RULES SUSPENDED**

Rep. Robinson (Davidson) moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that Senate Joint Resolution(s) No(s). 270 and 414; also, House Bill No. 2300 can be heard by the Transportation Committee on Tuesday, March 27, 1990, which motion prevailed.

**RULES SUSPENDED**

Rep. Love moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Bill(s) No(s). 2340, 2550, 2209, 2093, 2635, and 2371; House Joint Resolution(s) No(s). 743 and 744; also House Bill(s) No. 2639 and 2235 can be heard by the State and Local Government Committee on Tuesday, March 27, 1990. The motion prevailed.

**RULES SUSPENDED**

Rep. Phillips moved to suspend **Rule No. 49** (48-hour rule) to allow bills moved from Calendar and Rules on Tuesday and Wednesday, March 27 and 28, 1990, to be set on floor calendar(s) Wednesday and Thursday, March 28 and 29, 1990 and to allow more than 25 bills to be placed on the calendar(s), which motion prevailed.

**RULES SUSPENDED**

Rep. Phillips moved to suspend **Rule No. 71**, relative to the distribution of Committee Amendments twenty-four hours prior to consideration, which motion prevailed.

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**BILLS WITHDRAWN**

On motion of Rep. Gaia, House Bill No. 1120 was recalled from the Commerce Committee.

On motion of Rep. Gaia, House Bill No. 1120 was withdrawn from the House.

On motion of Rep. Starnes, House Joint Resolution No. 765 was recalled from the Transportation Committee.

On motion of Rep. Starnes, House Joint Resolution No. 765 was withdrawn from the House.

**RULES SUSPENDED**

Rep. Starnes moved that the rules be suspended for the immediate introduction of House Joint Resolution No. 770 and referral to the Transportation Committee, which motion prevailed.

House Joint Resolution No. 0770 -- Highway Signs -- Provides for placement of directional signs for TVA Raccoon Mountain Project and Reflection Riding. by \*Starnes.

Rep. Starnes moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee, so that House Joint Resolution No. 770 can be heard by the Transportation Committee on Tuesday, March 27, 1990, which motion prevailed.

**RULES SUSPENDED**

Rep. Armstrong moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee, so that House Bill No. 2383 can be heard by the Education Committee on Tuesday, March 27, 1990, which motion prevailed.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 758: Rep(s). Stamps added as prime sponsor(s).

House Bill No. 1209: Rep(s). Buck added as prime sponsor(s).

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**House Bill No. 1727:** Rep(s). Hubbard and Gunnels added as prime sponsor(s).

**House Bill No. 1728:** Rep(s). McDaniel added as prime sponsor(s).

**House Bill No. 2143:** Rep(s). Bell added as prime sponsor(s).

**House Bill No. 2387:** Rep(s). Jim Henry, Head and Burnett added as prime sponsor(s).

### **INTRODUCTION OF RESOLUTIONS**

**House Resolution No. 0132 -- Memorials, Personal Occasion --** Honors 90th birthday of Mary Sue Perrell. by \*Hobbs.

The Speaker referred House Resolution No. 132 to the Calendar and Rules Committee.

**House Resolution No. 0133 -- Memorials, Sports -- Honors Coach** Tim Tackett and LaVergne girls' basketball team on dramatic turnaround. by \*Hobbs.

The Speaker referred House Resolution No. 133 to the Calendar and Rules Committee.

**\*House Joint Resolution No. 0759 -- Highway Signs --** Provides for directional signs for Buffalo River Canoeing on I-40. by \*Collier, \*Burnett, \*McDaniel.

The Speaker referred House Joint Resolution No. 759 to the Transportation Committee.

**House Joint Resolution No. 0769 -- Memorials, Public Service --** Honors and commends Martin Luther King III. by \*Kisber.

The Speaker referred House Joint Resolution No. 769 to the Calendar and Rules Committee.

**House Joint Resolution No. 0772 -- Memorials, Sports -- Honors** Coach Steve Ramsey and Clarkrange High School boys' basketball team, TSSAA Class A runner-up. by \*Burnett.

The Speaker referred House Joint Resolution No. 772 to the Calendar and Rules Committee.

**House Joint Resolution No. 0773 -- Memorials, Sports -- Honors** Coach Homer Lee Linder and York Agricultural Institute girls' basketball team. by \*Burnett.

The Speaker referred House Joint Resolution No. 773 to the Calendar and Rules Committee.

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**House Joint Resolution No. 0774 -- Memorials, Sports -- Honors Coach Lamar Rogers and Clarkrange High School girls' basketball team, TSSAA Class A state champions. by \*Burnett.**

The Speaker referred House Joint Resolution No. 774 to the Calendar and Rules Committee.

**House Joint Resolution No. 0775 -- Memorials, Sports -- Honors Coach Larry Looper and Livingston Academy girls' basketball team, TSSAA Class AA champions. by \*Burnett.**

The Speaker referred House Joint Resolution No. 775 to the Calendar and Rules Committee.

**House Joint Resolution No. 0776 -- Memorials, Recognition -- Honors Maxine A. Smith on civil rights commitment. by \*Turner L, \*Dixon, \*Jones R, \*DeBerry.**

The Speaker referred House Joint Resolution No. 776 to the Calendar and Rules Committee.

**House Joint Resolution No. 0777 -- Memorials, Recognition -- Commemorates 200th Anniversary of the founding of the Territory of the United States South of the River Ohio. by \*Yelton, \*Hubbard, \*Holcomb.**

The Speaker referred House Joint Resolution No. 777 to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

**Senate Joint Resolution No. 0550 -- Memorials, Condolence -- Honors memory of Wray Williams.**

The Speaker referred Senate Joint Resolution No. 550 to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0553 -- Memorials, Professional Achievement -- Honors and commends Reverend William A. Suggs.**

The Speaker referred Senate Joint Resolution No. 553 to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0567 -- Memorials, Personal Occasion -- Congratulates Mrs. Lela Hardin on celebration of 80th birthday.**

The Speaker referred Senate Joint Resolution No. 567 to the Calendar and Rules Committee.

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### INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration.

**\*House Bill No. 2656 -- Judges and Chancellors -- Exempts Maury County from certain requirements in filling general sessions judge vacancies. Amends Chapter 637, Public Acts of 1990. by \*Napier, \*Buck.**

Passed first consideration.

**\*House Bill No. 2657 -- Election Laws -- Requires only computer printout at polling place in lieu of both printout and duplicate registration records if requested by resolution of county legislative body of Lauderdale County. Amends TCA 2-5-216. by \*Crain.**

Passed first consideration.

### SENATE BILLS ON FIRST CONSIDERATION

On motion, the Senate Bills listed below, transmitted to the House were held on the Clerk's desk as noted.

**\*Senate Bill No. 1658 -- Telecommunications -- Regulates and restricts use of computerized telephone dialing and announcing equipment. Amends TCA, Title 39, Ch. 17.**

Held on the Clerk's desk pending third consideration of companion House Bill No. 2154.

**\*Senate Bill No. 1665 -- Energy -- Requires municipalities to adopt all or none of provisions regulating energy production facilities. Amends TCA, Title 7, Ch. 54, Pt. 1.**

Held on the Clerk's desk pending third consideration of companion House Bill No. 2245.

**\*Senate Bill No. 1845 -- Insurance, Health, Accident -- Prohibits certain benefit limitations and rating practices on policies covering mental illness. Amends TCA 56-7-1003.**

Held on the Clerk's desk pending third consideration of companion House Bill No. 2441.

**\*Senate Bill No. 1856 -- Recreation -- Enacts "Tennessee Recreational Authority Act of 1990". Amends TCA 4-29-211; Title 11.**

Held on the Clerk's desk pending third consideration of companion House Bill No. 2211.

**\*Senate Bill No. 2067 -- Animals -- Enacts "Tennessee Apiary Act of 1990". Amends TCA, Title 44, Ch. 15, Pt. 1.**

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Held on the Clerk's desk pending third consideration of companion House Bill No. 2124.

**Senate Bill No. 2457 -- Alcoholic Beverages --** Expands definition of "historic performing arts center" for purposes of consumption of alcoholic beverages. Amends TCA 57-4-102.

Held on the Clerk's desk pending third consideration of companion House Bill No. 2344.

**Senate Bill No. 2475 -- Capitol --** Prohibits imposition of court costs for Capitol Hill parking and traffic violations. Amends TCA, Title 4, Ch. 8, Pt. 2.

Held on the Clerk's desk pending third consideration of companion House Bill No. 2398.

**Senate Bill No. 2542 -- Environmental Preservation --** Requires labeling of certain plastic products.

Held on the Clerk's desk pending third consideration of companion House Bill No. 2503.

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted.

**House Bill No. 2649 -- Manchester --** Passed second consideration and held on Clerk's desk pending approval by local delegation.

**House Bill No. 2650 -- Murfreesboro --** Passed second consideration and held on Clerk's desk pending approval by local delegation.

**\*House Bill No. 2651 -- Election Laws --** Passed second consideration and referred to the State and Local Government Committee.

**\*House Bill No. 2653 -- Election Laws --** Passed second consideration and referred to the State and Local Government Committee.

**\*House Bill No. 2654 -- Surveyors --** Passed second consideration and referred to the Commerce Committee.

**House Bill No. 2655 -- Lafayette --** Passed second consideration and held on Clerk's desk pending approval by local delegation.

**DELAYED BILLS REFERRED**

Pursuant to Rule No. 78, House Bill(s) No(s). 2651, 2653 and

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2654 was/were referred to the Delayed Bills Committee.

**REPORT OF DELAYED BILLS COMMITTEE**

**March 26, 1990**

Pursuant to Rule No. 78, as suspended, having received the approval of the local delegation, we the undersigned members of the Delayed Bills Committee have approved the following general bill of local application to be heard by the appropriate standing committee: House Bill No. 2622.

Ed Murray, Speaker

Jimmy Naifeh

John Chiles, Jr.

**REPORT OF DELAYED BILLS COMMITTEE**

**March 26, 1990**

Pursuant to Rule No. 78, as suspended, having received the approval of the local delegation, we the undersigned members of the Delayed Bills Committee have approved the following general bill of local application to be heard by the appropriate standing committee: House Bill No. 2651.

Ed Murray, Speaker

Jimmy Naifeh

John Chiles, Jr.

**REPORT OF DELAYED BILLS COMMITTEE**

**March 26, 1990**

Pursuant to Rule No. 78, as suspended, having received the approval of the local delegation, we the undersigned members of the Delayed Bills Committee have approved the following general bill of local application to be heard by the appropriate standing committee: House Bill No. 2653.

Ed Murray, Speaker

Jimmy Naifeh

John Chiles, Jr.

**REPORTS OF SELECT COMMITTEES**

**CONFERENCE COMMITTEE REPORT**

**HOUSE BILL NO. 1131/SENATE BILL NO. 1375**

**\*House Bill No. 1131 -- Alcoholic Beverages --** Expands definition of "club" to include certain recreational clubs. Amends TCA 57-4-102. by \*Cain.

Rep. Cain moved that the Report of the Conference Committee on



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House Bill No. 1131 be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes. . . . .	52
Noes. . . . .	31
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Austin, Bell, Bittle, Buck, Burnett, Cain, Clark, Cole, Collier, Davidson, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Good, Head, Hillis, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, Naifeh, Napier, Nuber, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Starnes, Turner, L. (Shelby), Webb, West, Wheeler, Williams, Winningham, Wix, Yelton, Mr. Speaker Murray -- 52.

Representatives voting no were: Bragg, Byrd, Callicott, Coffey, Copeland, Crain, Cross, Curlee, Davis (Gibson), Gunnels, Halteman, Harrill, Henry (Putnam), Henry (Roane), Herron, Hobbs, Holcomb, Holt, Jackson, McAfee, McDaniel, Moody, Moore (Lawrence), Niceley, Peroulas, Pinion, Stallings, Stamps, Turner, C. (Shelby), Wolfe, Wood -- 31.

Representatives present and not voting were: Givens -- 1.

A motion to reconsider was tabled.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES  
March 26, 1990**

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 2641, 2642, 2643 and 2650.

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
CONSENT CALENDAR  
March 26, 1990**

MR. SPEAKER: The officers of your Calendar and Rules Committee beg leave to report that we have set the following bill(s) and/or resolution(s) on the Consent Calendar for Wednesday, March 28, 1990: House Resolution(s) No(s). 132 and 133; House Joint Resolution(s) No(s). 769, 772, 773, 774, 775, 776 and 777; House Bill(s) No(s). 2641, 2642, 2643 and 2650; also, Senate Joint Resolution(s) No(s). 550, 553 and 567.

PHILLIPS, Chairman.

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MESSAGE FROM THE SENATE

March 26, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 571; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

Senate Joint Resolution No. 0571 -- Memorials, Condolence -- Honors memory of William D. Hardeman.

MESSAGE FROM THE SENATE

March 26, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2337, 2584 and 2589; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

ENGROSSED BILLS

March 26, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 768; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

ENGROSSED BILLS

March 26, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2428; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 26, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2509; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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**MESSAGE FROM THE SENATE**

**March 26, 1990**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolution(s) No(s). 768; concurred in by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**March 26, 1990**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolution(s) No(s). 542, 544, 550, 666 and 715; concurred in by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**ENGROSSED BILLS**

**March 26, 1990**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1291, 1806, 1870, 2012, 2092, 2153, 2358, 2364, 2365, 2380, 2497, 2647 and 2648; also, House Joint Resolution(s) No(s). 510, 511, 568, 681, 695, 758, 760, 761, 762, 763 and 764; and find same correctly engrossed and ready for transmission to the Senate.

**BETTY KAY FRANCIS,**  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**March 26, 1990**

**MR. SPEAKER:** I am directed to return to the House, House Bill(s) No(s). 2516; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**March 26, 1990**

**MR. SPEAKER:** I am directed to return to the House, House Bill(s) No(s). 2050, 2408, 2565, 2611, 2632, 2634, 2636, 2638 and 2640; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**MONDAY, MARCH 26, 1990 -- EIGHTY-SECOND LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

**March 26, 1990**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 512, 519, 520, 526, 556 and 557; adopted for concurrence.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**\*Senate Joint Resolution No. 0512 --** Memorials, Government Officials -- Urges state board of education to adopt rule requiring school buses to display headlights while transporting children.

**\*Senate Joint Resolution No. 0519 --** General Assembly, Confirmation of Appointment -- Confirms appointment of Rita Mullins to State Certification Commission.

**\*Senate Joint Resolution No. 0520 --** General Assembly, Confirmation of Appointment -- Confirms appointment of Norma Nutter to State Certification Commission.

**\*Senate Joint Resolution No. 0526 --** Memorials, Government Officials -- Urges State Board of Education to take certain actions relative to school food service.

**Senate Joint Resolution No. 0556 --** Memorials, Congratulations -- Commends Tennessee Health Relations Group on efforts to develop voluntary health care utilization guidelines.

**Senate Joint Resolution No. 0557 --** Memorials, Personal Achievement -- Honor James Bradley Tennyson on earning Eagle Scout Award.

**MESSAGE FROM THE SENATE**

**March 26, 1990**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bill(s) No(s). 2107, 2145, 2169, 2366, 2389, 2390, 2509, 2543, 2559, 2564, 2579, 2642, 2656 and 2669; passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**\*Senate Bill No. 2107 --** Pensions and Retirement Benefits -- Authorizes supplemental retirement plans for public employees under certain circumstances. Amends TCA 8-35-111.

**\*Senate Bill No. 2145 --** Taxes, Sales -- Exempts railroad car liners from sales tax. Amends TCA 67-6-329.

**Senate Bill No. 2169 --** Hotels and Restaurants -- Regulates inspection and sanitation of bed and breakfast establishments. Amends TCA, Title 68.

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**Senate Bill No. 2368 -- Election Laws --** Increases compensation of election commission in certain counties. Amends TCA 2-12-108.

**Senate Bill No. 2389 -- Real Estate Agents and Brokers --** Clarifies liability of real estate recovery account; changes procedures and fees for temporary retirement of licenses. Amends TCA 62-13-208, 62-13-310, 312, 314, 318.

**Senate Bill No. 2390 -- Holidays --** Establishes Martin Luther King, Jr. Task Force. Amends TCA, Title 4.

**Senate Bill No. 2509 -- Motor Vehicles, Titling and Registration --** Revises procedures for applying for special license plates. Amends TCA, Title 55, Ch. 4.

**Senate Bill No. 2543 -- Insurance, Health, Accident --** Exempts Medicare supplement and limited benefit insurance policies from requirement to pay for mammography screening. Amends TCA 56-7-1012.

**Senate Bill No. 2559 -- Museums --** Authorizes sale of alcoholic beverages in restaurant located on premises. Amends TCA 57-4-101.

**Senate Bill No. 2564 -- Local Education Agency --** Authorizes LEAs in Rhea County to determine opening school date. Amends TCA, Title 49, Ch. 6.

**Senate Bill No. 2579 -- Law Enforcement --** Permits mutual agreements for law enforcement between Tennessee and other states and federal government. Amends TCA 6-54-307; Title 12, Ch. 9, Pt. 1.

**\*Senate Bill No. 2642 -- County Officers --** Allows Warren County register of deeds to utilize marginal notation on mortgage, deed or other instruments. Amends TCA 66-5-108; Title 66, Ch. 21, Pt. 1; Title 66, Ch. 25, Pt. 1.

**Senate Bill No. 2656 -- Taxes, Real Property --** Authorizes county trustee of Hamblen County to accept partial payment of property taxes upon approval of county legislative body. Amends TCA, Title 67, Ch. 5, Pt. 18.

**Senate Bill No. 2669 -- Utilities, Utility Districts --** Increases number of positions on board of commissioners for water utility districts in Carter County. Amends TCA 7-82-307.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox),

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DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Nicoley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Standa, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98

On motion of Rep. Naifeh, the House adjourned until 2:00 p.m., Wednesday, March 28, 1990.